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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197504
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Attachments	opposition.pdf(1164113 bytes ) K655_Declaration of Oren Gelber in Support of Opposer's Opposition to Applicant's Motion to Compel_130626.pdf(193291 bytes ) Exhibit 1.pdf(220933 bytes ) Exhibit 2.pdf(1154843 bytes ) Exhibit 3.pdf(1348352 bytes ) Exhibit 4.pdf(1370895 bytes ) Exhibit 5.pdf(163740 bytes ) Exhibit 6.pdf(125228 bytes ) Exhibit 7.pdf(145471 bytes ) Exhibit 8.pdf(98308 bytes ) Exhibit 9.pdf(280475 bytes ) Exhibit 10.pdf(159361 bytes ) Exhibit 11.pdf(136129 bytes ) Exhibit 12 Part A.pdf(2884253 bytes ) Exhibit 12 Part B.pdf(2515701 bytes ) Exhibit 12 Part C.pdf(5478406 bytes ) Exhibit 13.pdf(25616 bytes ) Exhibit 14.pdf(120618 bytes ) Exhibit 15.pdf(145096 bytes ) Exhibit 16.pdf(179204 bytes ) Exhibit 17.pdf(371285 bytes ) Exhibit 18.pdf(857706 bytes ) Exhibit 19.pdf(327921 bytes ) Exhibit 20.pdf(1372881 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: ALPHA PHI OMEGA and design

Opp. No.: 91197504 (Parent)

Serial No.: 77950436

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: AΦΩ

Opp. No.: 91197505 (Child)

Serial No.: 77905236

**OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO COMPEL DISCOVERY  
AND TEST SUFFICIENCY OF RESPONSES**

Opposer hereby respectfully submits its Opposition to Applicant's Motion to Compel and Test Sufficiency of Responses.

**I. INTRODUCTION**

Applicant's Motion to Compel is premature and deficient. Applicant failed to comply

with the meet and confer requirement of 37 C.F.R. 1.120(e) prior to filing the Motion to Compel. See Declaration of Oren Gelber (“Gelber Decl.”) at ¶ 14. Consequently, Applicant’s Motion to Compel is far too overboard, encompassing a large number of discovery requests and responses. It would constitute a waste of the Board’s resources to address the Applicant’s Motion before the parties have even discussed the alleged deficiencies.

Many of Applicant’s discovery requests are flawed. Applicant’s requests included vague, ambiguous and undefined terms, and are frequently unlimited as to temporal or geographic scope. This is a significant defect given the fact that Opposer claims use from as early as 1894, and trademark usage worldwide.

Applicant’s overly broad discovery requests use unclear terms. Applicant seeks documents and information not relevant to the instant proceedings. In its good faith effort to cooperate in discovery, Opposer narrowed Requests and provided responses where possible. Thus, many of the allegedly deficient responses complained of by Applicant have been remedied by amended and supplemental responses served by Opposer after the filing of Applicant’s Motion. Gelber Decl. ¶¶ 26 and 27 and Exhibits 18-20. Given these, the alleged deficiencies are moot.

In view of the foregoing, Applicant’s Motion to Compel should be dismissed.

## **II. FACTUAL BACKGROUND**

Given the Applicant’s, at best, incomplete recitation of facts, Opposer provides herewith a recounting of the facts for the Board’s consideration. Applicant’s Motion contains irrelevant statements concerning Applicant’s view of the merits of and asserts Applicant’s heretofore unsubstantiated defenses to Opposer’s claims.

Opposer initiated the instant oppositions against Applicant on November 22, 2010. Opposer's Notices of Opposition cited priority and likelihood of confusion under Section 2(d) of the Lanham Act and dilution under Section 43(c) of the Lanham Act. Opposition Nos. 91197504 and 91197505 D.E. 1.

Applicant filed its Answers to Opposer's Notices of Opposition on December 27, 2010. *Id.* at D.E. 4. Following Applicant's Answers, the parties engaged in discussions aimed at settling these oppositions. See Declaration of Oren Gelber ("Gelber Decl."), ¶ 3. In furtherance of settlement negotiations, Opposer, with Applicant's consent, filed a number of Motions for Suspension for Settlement. *Id.* and Opposition Nos. 91197504 and 91197505 D.E. 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39 and 41. On January 24, 2013, the Board granted Opposer's most recent consented Motions for Suspension. *Id.* at D.E. 42. In its January 24, 2013 Order, the Board advised that no further suspensions or extensions would be granted without a status report on the progress of settlement. *Id.* Having no progress to report at the time, the parties proceeded with prosecuting and defending the oppositions.

In order to simplify matters, Opposer, with Applicant's consent, filed a Motion to Consolidate Related Proceedings on February 19, 2013. *Id.* at D.E. 43 and Gelber Decl. ¶ 4. On February 28, 2013, while the Motion to Consolidate was pending before the Board, Applicant served Applicant's Initial Disclosures, Applicant's First Set of Interrogatories, Applicant's First Request for Production of Documents and Things and Applicant's First Request for Admissions upon Opposer. Gelber Decl. ¶ 5. On March 18, 2013, the Board issued an Order consolidating Opposition Nos. 91197504 and 91197505. *Id.* at ¶ 6 and Nos. 91197504 and 91197505, D.E. 44.

On April 4, 2013, Opposer served Applicant with:

Opposer's Responses and Objections to Applicant's First Set of Interrogatories,



Opposer's Responses and Objections to Applicant's First Request for Production of Documents and Things, and

Opposer's Responses and Objections to Applicant's First Request for Admissions.

Gelber Decl. ¶ 8 and Exhibit 2-4.

Opposer served Applicant with document production bates labeled OSA000001-2861 on April 26, 2013. Gelber Decl. ¶ 18. Applicant sent Opposer a deficiency letter alleging deficiencies in Opposer's discovery responses on May 24, 2013. Gelber Decl. ¶ 14 and Exhibit 9. Beyond this single letter, Applicant made no attempt to resolve the alleged discovery deficiencies. *Id.*

Applicant's hands-off approach to the alleged deficiencies in Opposer's discovery responses is in stark contrast to its active efforts and dialogue relevant to the Rule 30(b)(6) deposition of Applicant's witness. On April 3, 2013, Opposer served Applicant with a Notice of Rule 30(b)(6) Deposition on Oral Exam. *Id.* at ¶ 7 and Exhibit 1. Applicant asserted its written objections to Opposer's Notice of Rule 30(b)(6) Deposition on Oral Exam on April 17, 2013. *Id.* at ¶ 9 and Exhibit 5. Opposer responded to Applicant's objections in a letter dated April 30, 2013. *Id.* at ¶ 10 and Exhibit 6. The parties continued exchanging email correspondence with regard to Opposer's Notice of Rule 30(b)(6) Deposition on Oral Exam through May 10, 2013. *Id.* at ¶ 11 and Exhibit 7. Then, on May 14, 2013, the parties held a telephone conference on the subject. *Id.* at ¶ 12. Further correspondence concerning Opposer's Notice of Rule 30(b)(6) Deposition on Oral Exam was exchanged between the parties on May 21, 2013 and May 30, 2013. *Id.* at ¶¶ 13 and 16, and Exhibits 8 and 11. On May 29, 2013 Opposer served Applicant with Opposer's Amended Notice of Rule 30(b)(6) Deposition on Oral Exam. *Id.* at ¶ 15 and Exhibit 10. Opposer took the Rule 30(b)(6) deposition of Applicant's representative on June 5,

2013 in Louisville, Kentucky, with Applicant's counsel in attendance. *Id.* at ¶ 17.

Far from ignoring Applicant's deficiency letter, Opposer's counsel was attempting to cooperate with Applicant to address discovery issues. (Including those relevant to the noticed Rule 30(b)(6) deposition of Applicant, as discussed above.) Opposer's counsel prepared a response to Applicant's deficiency letter, along with Opposer's Supplemental Responses to Applicant's First Set of Interrogatories and Opposer's Amended Responses to Applicant's First Request for Admissions. *Id.* at ¶¶ 25-27 and Exhibits 18-20.

On June 13, 2013, just 8 days following the deposition of Applicant's witness, counsel for Opposer served upon Applicant Opposer's Supplemental Responses to Applicant's First Set of Interrogatories, accompanied by Opposer's deficiency letter to Applicant. *Id.* at ¶ 26 and Exhibits 17 and 18. On June 17, 2013, Opposer's counsel transmitted to Applicant its response to Applicant's deficiency letter, along with a service copy of Opposer's Amended Responses to Applicant's First Request for Admissions. *Id.* at ¶ 27 and Exhibit 19 and 20.

Prior to receipt of Applicant's Motion to Compel, it was Opposer's impression that the parties were working to resolve any discovery issues. Opposer was proceeding under that impression when it sought to resolve Applicant's alleged deficiencies by serving Applicant with Opposer's Supplemental Responses to Applicant's First Set of Interrogatories on June 13, 2013 and with Opposer's response to Applicant's deficiency letter and Amended Responses to Applicant's First Request for Admissions on June 17, 2013. *Id.* at ¶¶ 25-27 and Exhibits 18-20. Opposer learned of Applicant's Motion to Compel only after preparing and dispatching its June 17 letter, *Id.* at ¶¶ 29 and 31, as Applicant served its Motion by mail only and did not provide the Motion to Opposer any advance copy, such as by email. *Id.* at ¶ 30. Had Applicant followed up with Opposer, Opposer could have advised Applicant that in addition to addressing

Applicant's issues related to Opposer's Rule 30(b)(6) Notice of Deposition on Oral Exam, Opposer was working diligently to address Applicant's deficiency letter. Applicant has failed to attempt to narrow the discovery issues in dispute and to notify the Board of issues that have been resolved as a result of Opposer's supplemental discovery responses and detailed written response to Applicant's deficiency letter.

Applicant failed to comply with Rule 2.120(e) and Opposer has addressed and resolved the deficiencies alleged by Applicant. Applicant's Motion should be dismissed for failing to comply with the prerequisites of Rule 2.120(e) and as moot, or at least as premature given Opposer's Supplemental Responses to Applicant's First Set of Interrogatories and Opposer's Amended Responses to Applicant's First Request for Admissions.

In a case where the Applicant has sought to compel and has neglected to contemplate Opposer's supplemental responses, asking the Board to consider Applicant's motion is a wasteful and unnecessary exercise. Applicant's Motion serves no interest of the parties, because most of the issues raised have been mooted. The instant Motion certainly addresses no interest of the Board because it prematurely asks the Board to resolve matters, the disputed nature of which have not even been established by the parties, and to hunt through hundreds of pages of documents to decide issues which already have been addressed between the parties.

Accordingly, Applicant's Motion to Compel should be denied.

### **III. ARGUMENT**

#### **A. Applicant's Motion to Dismiss Should be Denied as Applicant Failed to Comply with Trademark Rule 2.120(e)**

"A motion to compel discovery...may be filed only after the parties have made a good faith effort to resolve the dispute in accordance with Trademark Rule 2.120(e)(1)." *Kairos Inst.*

*of Sound Healing, LLC v. Doolittle Gardens, LLC*, 2008 TTAB LEXIS 61, \*9 n. 5 (TTAB 2008).

Trademark Rule 2.120 requires, among other things, that the moving party submit with the motion a written statement “that such party or the attorney therefor has made a good faith effort, by conference or correspondence, to resolve with the other party or the attorney therefor the issues presented in the motion but the parties were unable to resolve their differences.” 37

C.R.F. § 2.120(e). The purpose of Trademark Rule 2.120 is to require a bilateral effort to resolve the parties’ discovery disputes or, at least, minimize the number of disputed discovery requests to a manageable number. *World Triathlon Corporation v. Traditional Medicinals, Inc.*, 2000 TTAB LEXIS 769, \*8 (TTAB Oct. 31, 2000). Noting that that the Board has neither the time nor the personnel to handle motions to compel involving substantial numbers of requests for discovery which require tedious examination, the Trademark Trial and Appeal Board held in *Sentrol, Inc. v. Sentex Systems, Inc.* that “it is generally the policy of the Board to intervene in disputes concerning discovery, by determining motions to compel, only where it is clear that the parties have in fact followed the aforesaid process and have narrowed the amount of disputed requests for discovery, if any, down to a reasonable number.” 1986 TTAB LEXIS 94, \*5-6 (TTAB 1986).

While Applicant’s Motion includes a “statement of good faith effort” in an attempt to show compliance with the preconditions of Rule 2.210(e), Applicant does not comply with Trademark Rule 2.120’s mandate that parties must conference to resolve as many discovery issues as possible before seeking the Board’s intervention.

Beyond its May 24, 2013 letter, Applicant made no attempts to resolve the alleged deficiencies. Gelber Decl. at ¶ 14. Applicant had numerous opportunities to broach the subject, or at least follow up regarding its letter. In the lead up to Applicant’s Motion, the parties had

been communicating regularly to make arrangements for the June 5, 2013 deposition of Applicant's representative pursuant to Rule 30(b)(6), wherein the parties exchanged numerous communications about the deposition topics and limitations of Applicant's witness' testimony by telephone and correspondence. Gelber Decl. ¶¶ 9-13, 15, 16 and Exhibit 5-8, 10, 11.

Applicant's characterization of Opposer as derelict in its obligations to resolve discovery disputes is thus unsupported. As the Trademark Trial and Appeal Board has held on a number of occasions, transmission of a single letter is not sufficient to support a claim that the moving party has made a good faith effort to resolve discovery disputes. See *Biogenesis Enterprises, Inc. v. Firefreeze Worldwide, Inc.*, 1998 TTAB LEXIS 530, \*4 (TTAB 1998) (dismissing the registrant's Motion to Compel where only one letter regarding discovery responses was sent); *Arden Savoy Partners LLC v. The Savoy Hotel Limited*, 2003 TTAB LEXIS 337, \*6 (TTAB July 10, 2003) (Respondent did not make a showing of the required good faith effort to resolve the matters raised in the motion to compel when respondent's only attempt to resolve the issue was to send a letter to petitioner's counsel); *Bioshield Technologies, Inc. v. Bio-Lab, Inc.*, 2000 TTAB LEXIS 341, \*4 (TTAB 2000) (Dismissing respondent's motion to compel because respondent's submission of one letter to petitioner's counsel regarding discovery disputes did not satisfy its obligation under Trademark Rule 2.120(e) to make a good faith effort to resolve discovery disputes prior to seeking the Board's intervention); *AT&T Corp. v. Atcall Incorporated*, 2000 TTAB LEXIS 277, \* 9-10 (TTAB 2000) (one letter to opposing counsel is "not an overwhelming showing of a good faith effort to resolve the issues").

The facts establish that, prior to Applicant's filing of the instant Motion, the parties had worked cooperatively in an attempt to resolve discovery issues. Gelber Decl. ¶¶ 9-13, 15, 16 and Exhibit 5-8, 10, 11. It is thus puzzling that Applicant would characterize Opposer as somehow

unresponsive. Far from ignoring Applicant's May 24, 2013 letter, Opposer worked diligently to respond to Applicant's letter and provided explanation and supplemental and amended responses while at the same time responding to Applicant's concerns regarding Opposer's Notice of Rule 30(b)(6) Deposition on Oral Exam, coordinating and taking said deposition. On June 13, 2013 Opposer served Applicant with its Supplemental Responses to Applicant's First Set of Interrogatories. Gelber Decl. ¶ 26 and Exhibit 18. On June 17, 2013, Opposer sent Applicant a detailed response to its deficiency letter and served Applicant with its Amended Responses and Objections to Applicant's First Request for Admissions. *Id.* at ¶ 27 and Exhibit 19 and 20. Opposer had no knowledge of the Applicant's Motion to Compel at the time these materials were prepared. *Id.* at ¶ 31. The Motion was not received in Opposer's counsel's office until June 17, 2013. *Id.* at ¶ 29. Applicant did not alert Opposer to Applicant's Motion to Compel in response to emails sent by Opposer's counsel on June 13, 2013 and June 17, 2013 relating to discovery. *Id.* at ¶ 30.

In addition to conferring to resolve as many discovery disputes as possible before bringing a motion to compel before the Board, 37 C.F.R. 2.120(e) also requires the Applicant to notify the Board in writing of any issues in the Motion which no longer require adjudication. The materials provided by Opposer on June 13 and 17 moot many, if not all, of the issues raised by Applicant in its Motion to Compel. To Opposer's knowledge, Applicant has never advised the Board of Opposer's responses or narrowed the subject of its Motion. Thus, Applicant is doubly deficient in its compliance with 37 C.F.R. 2.120(e).

Due to Applicant's failure to comply with Trademark Rule 37 C.F.R. § 2.120(e), Applicant's Motion to Compel should be denied in its entirety. *World Triathlon Corp.*, 2000 TTAB LEXIS 769 at \*8-9.

**B. Applicant's Motion is Moot with Respect to (i) Interrogatories No. 3, 4, 5, 6, 9, 10, 11, 12 and 13 and (ii) Requests for Production Nos. 2, 4, 9, 11, 12, 13, 14, 15 and 20**

Opposer responded to Applicant's deficiency letter with correspondence dated June 17, 2013. See Gelber Decl. ¶ 27 and Exhibit 19. Included with this correspondence was Opposer's Amended Responses and Objections to Applicant's First Request for Admissions. *Id.* and Exhibit 20. In addition, on June 13, 2013, Opposer served upon Applicant Opposer's Supplemental Responses to Applicant's First Set of Interrogatories. See *Id.* at ¶ 26 and Exhibit 18. Many of the issues raised by Applicant in its Motion to Compel are mooted by Opposer's response to Applicant's deficiency letter and Opposer's Amended Responses to Applicant's First Request for Admissions and Opposer's Supplemental Responses to Applicant's First Set of Interrogatories.

**i. Interrogatories No. 3, 4, 5, 9, 10, 11, 12 and 13**

Applicant identifies Opposer's responses to Interrogatories Nos. 3, 4, 5, 9, 10, 11, 12 and 13 as insufficient. (Applicant's Motion to Compel, p. 3-4.) The Supplemental Responses served on June 13, 2013 included clear and explicit identification by Bates number of the particular documents that are responsive to Interrogatories Nos. 3, 4, 5, 9, 10, 11, and 12. As such, Applicant's Motion is moot with respect to these particular responses.

Interrogatory 13 instructs Opposer to "identify. . . any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis in support of any other contention of Opposer in this Opposition." Opposer incorporated by reference all of its General Objections and objected to this request as overly broad, duplicative of Interrogatories Nos. 8-12, and premature to the extent that it seeks information regarding witnesses that Opposer is under no obligation to disclose at this point in time.

Clearly this request is overly broad, seeking the identification of any witness and an itemized list and description of any evidentiary basis supporting Opposer's claims in these

proceedings. Given the overbreadth of this Interrogatory, it could be said to encompass the entire universe of Opposer's discovery responses and production, as well as Applicant's discovery responses and production.

Interrogatory No. 13 is not only premature, but it seeks to impose an obligation upon Opposer that is beyond the scope of the Federal and Trademark Office Rules. The Federal Rules of Civil Procedure, the Trademark Rules and the Board's Scheduling Order provide specific deadlines for disclosure of witnesses and the documents that will be relied upon at trial. See Fed. R. Civ. P. 26(a)(3); 37 CFR § 2.121(e); TBMP 702.01 (no later than 15 days prior to the commencement of a party's testimony period, the party must identify the witnesses from whom it intends to take testimony, the subjects of testimony and types of documents that may be introduced as exhibits during the testimony); TBMP 704.02 (notices of reliance are filed during a parties testimony period and must include a description of the materials proffered as evidence). Interrogatory No. 13 attempts to circumvent those Rules and the Board's Scheduling Order by requiring Opposer to submit its Pre Trial Disclosures, Rebuttal Disclosures and its Notice of Reliance in advance of the deadlines set by the Board and the Rules. Applicant will receive Opposer's Pretrial Disclosures and Opposer's Notice of Reliance in accordance with the Board's Scheduling Order. Opposer is not obliged to prepare these materials or submit them to Applicant prior to the deadlines in the Rules and the Board's Scheduling Order. Its response to Interrogatory 13 is sufficient.

ii. Interrogatories 6 and 12, Request for Document Production No. 9

Applicant further asserts that the requests related to likelihood of confusion (identified by Applicant as Interrogatories No. 6 and 12 and Request for Document Production No. 9) are deficient in that responsive documents were never produced of identified. However,



Interrogatories No. 6 and 12 respectively request identification of any testimonial or evidentiary basis in support of the contentions that:

- products bearing the mark sought to be registered will cause confusion, mistake and deception by virtue of Opposer's prior use of the marks upon which the Opposition is based; and
- the commercial impression generated by the use of Applicant's Crest on products in the market in which those products pass is likely to be recognized as an identification of association with Opposer or its products.

Opposer has produced a representative sample of responsive documents and evidence in its possession. Such responsive documents include, but are not limited to OSA001814-1826; OSA001828-1829; OSA001867-1873; OSA001968-1978; OSA001991-1994; OSA002011-2014; OSA002086-2115; OSA2120-2123; OSA002128-2133; OSA002140-OSA2143; OSA002148-2158; OSA002161-2166; OSA002231-2232; OSA002242; OSA002248-2249, as identified in Opposer's supplemental response to Interrogatory No. 12. *See* Exhibit 18 to Gelber Decl., Supplemental Response to Interrogatory No. 12. Opposer stands on its objections regarding the untimeliness of Applicant's request for identification of witness who would testify regarding such issues.

In response to Request for Production No. 9, Opposer explicitly responded that it "is not presently aware of any responsive documents within its possession, custody or control." Exhibit 3 to Gelber Decl., Request No. 9 and Response thereto. Applicant is mistaken in its assertion that it was "informed the documents would be produced." Opposer never indicated that it possessed or would provide documents or evidence responsive to Request for Production No. 9. As such, Applicant's Motion to Compel is moot as it pertains to Request for Production No. 9.

iii. Requests for Production Nos. 2, 4, 11, 12, 13, 14, 15 and 20

Opposer has produced roughly 2,900 documents responsive to Applicant's Request for

Production of Documents and Things. Applicant's Motion claims that Opposer has "dumped" documents on Applicant and has not provided documents responsive to Applicant's Requests for Production Nos. 2, 4, 11, 12, 13, 14, 15 and 20. (Applicant's Motion to Compel, p. 4). The nearly 2900 pages of documents are in fact responsive – in whole or in part – to each of the aforementioned requests. As such, Opposer has discharged its obligation pursuant to T.B.M.P. § 406.04 and Fed. R. Civ. P. 34. Opposer is under no obligation to identify specifically which documents are responsive to which request (*see* T.B.M.P. § 406.04(c) and Fed. R. Civ. P. 34 (b)) however, Opposer has identified categories of responsive documents in Opposer's Supplemental Responses to Applicant's First Set of Interrogatories. *See* Exhibit 18 to Gelber Decl. Opposer's Supplemental Responses to Applicant's First Set of Interrogatories corroborate the responsiveness of Opposer's document production to Applicant's Requests for Production of Documents. Applicant's Motion is moot with respect to these requests.

**C. Applicant's Requests Related to the Fame of the OMEGA Marks in the U.S. Prior to 1925 are Irrelevant:<sup>1</sup>**

Many of Applicant's discovery requests seek evidence related to the fame of Opposer's marks prior to 1925. Such information and documents are not necessary to the instant proceedings. Generally, in an opposition against a use-based application under Section 1(a) of the Trademark Act, the party alleging fame, here the Opposer, must establish that its mark had become famous prior to the applicant's use of the challenged mark. *The Toro Company v. ToroHead, Inc.*, 2001 TTAB Lexis 823, 31, n. 9 (T.T.A.B. 2001). However, if the applicant does not provide testimony or proof of continuous use of the mark from the alleged date of first use,

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<sup>1</sup> As per Applicant's Motion to Compel, the requests that are incorporated under this category are Applicant's Interrogatories No. 3, 4, 5, 10, and 11 and Requests for Production 11, 12, 13, 14, and 15. (Applicant's Motion to Compel, p. 4-5). Opposer includes in this category Request for Admission No. 47 as it asks Opposer to admit that it "has no evidentiary basis to support any contention the marks upon which the Opposition is based were the subject of substantial, widespread, public recognition in the United States prior to 1925."

the earliest date upon which applicant can rely is its filing date. *National Aeronautics and Space Administration v. Record Chemical Co. Inc.*, 1975 TTAB Lexis 31 (T.T.A.B. 1975); *The Pep Boys Manny, Moe & Jack of California v. Cherng Lian Ent Co., Ltd.*, 2003 TTAB Lexis 190, 54-55 (T.T.A.B. 2003). In the instant case, Applicant has not produced any evidence to establish continuous use of Applicant's marks on Class 14 and 25 goods since 1925.

In response to Opposer's Document Request Nos. 12 and 13 which seeks annual sales, Applicant asserted a litany of objections and produced no documents. Gelber Decl. ¶ 24 and Exhibit 16. Applicant has produced no evidence that it has continuously used its marks on Class 14 and 25 goods since 1925. *See* Exhibit 12 to Gelber Decl. Applicant did produce a document evidencing Applicant's U.S. Trademark Registration No. 265,052 for goods in Class 14, which was filed in 1929 and asserts a date of first use of December 16, 1925. Gelber Decl. ¶ 19 and 21, and Exhibit 12 at AL0009. However, this registration has been cancelled according to the Trademark Office's records. *Id.* at ¶ 22 and Exhibit 14. U.S. Trademark Registration No. 265,052 was Applicant's only registration in Class 14, and given the fact this registration is now cancelled, it cannot provide evidence of Applicant's continuous use of the ALPHA PHI OMEGA mark on Class 14 goods since 1925. Accordingly, the relevant inquiry is the fame of Opposer's OMEGA marks prior to the March 4, 2010 filing date of Applicant's U.S. Trademark Application Serial No. 77950436. It is further noted that Applicant's U.S. Trademark Application Serial No. 77950436 does not claim 1925 as the date of first use in commerce of the opposed mark on jewelry in Class 14, but rather asserts that 1930 was the date of first use in commerce.

Applicant's U.S. Trademark Registration No. 3828181 for Class 25 goods is Applicant's earliest registration in Class 25. Gelber Decl. ¶¶ 19 and 20 and Exhibit 12 and 20. This

registration was filed in 2010 and asserts a date of first use of 1980. *Id.* However, Applicant has not provided any documentary evidence beyond this registration to show that Applicant has continuously used its mark in commerce on Class 25 goods since 1980, let alone since 1925. *See* Exhibit 12 to Gelber Decl. Thus, Opposer need only prove the fame of its OMEGA marks in Class 25 prior to 2010.

Applicant's discovery requests regarding the fame of Opposer's marks prior to 1925 are irrelevant and not likely to lead to the discovery of admissible evidence.

**D. Opposer's Responses to Applicant's Requests for Admission are Sufficient**

Opposer's denials of Applicant's Requests for Admission were proper. The vast majority of the 46 denied requests sought admissions from Opposer regarding third-party usage of marks incorporating the word or symbol "Omega." (See Gelber Decl. ¶ 8 and Exhibit 4, Requests Nos. 1, 3, 4, 12, 14, and 16-46). The majority of the requests were confusingly worded as they sought an admission that Opposer "has no evidentiary basis" to either support or dispute a stated contention. For these reasons, and those explained in more detail below, Opposer's responses to Applicant's Requests for Admission are sufficient.

i. **Requests for Admissions Nos. 1, 3, 4, 12, 14, and 16-46**

Requests for Admissions Nos. 1, 3, 4, 12, 14, 16-46 are poorly phrased and improperly seek admissions pertaining to continuous third-party uses of the symbol "Ω" and/or the word "omega" of which Opposer has no first-hand knowledge. Gelber Decl. ¶ 8 and Exhibit 4, Requests Nos. 1, 3, 4, 12, 14, and 16-46. Opposer asserts that these requests are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

While, the sixth *du Pont* factor inquires as to "the number and nature of similar marks in use on similar goods," *Du Pont*, 177 USPQ at 567, Applicant's Requests for Admission as to

Opposer's knowledge thereof are not relevant to this factor. "Evidence of third-party use of similar marks on similar goods is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection." *Palm Bay Imps. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1373 (Fed. Cir. 2005)(citing *General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622, 626-27 (8th Cir. 1987); J. Thomas McCarthy, 2 McCarthy on Trademarks and Unfair Competition § 11: 88 (4th ed. 2001)).

Applicant's inquiry about Opposer's knowledge of third party uses of marks including the symbol "Ω" and/or the word "omega" would do little to support the sixth *du Pont* factor. Opposer's knowledge, or lack of knowledge, of such uses would not provide evidence that the marks are in commercially significant use, the public is exposed to them, or that there exists a basis to presume that the public views them as weak. *In re Coden*, 2012 TTAB LEXIS 99, \*29 (Trademark Trial & App. Bd. Mar. 26, 2012).

"The question still remains whether the marks viewed as a whole are confusingly similar." *Lilly Pulitzer, Inc. v. Lilli Ann Corp.*, 376 F.2d 324, 54 C.C.P.A. 1295, 153 USPQ 406, 407 (CCPA 1967) (citation revised). Whether or not Opposer knows of third party uses of marks continuing the symbol "Ω" and/or the word "omega" has no bearing on this question. Opposer's knowledge of third party uses does not provide evidence of what happens in the market place or that customers are familiar with these third parties' uses. *Id.*

The Federal Court and the Board have held that evidence of third party registrations are not relevant to the Sixth *du Pont* factor because they do "not demonstrate that the registered marks are in commercially significant use, or that the public is aware of them. *In re Coden*, 2012 TTAB LEXIS 99, \*31 (Trademark Trial & App. Bd. Mar. 26, 2012); see also *AMF Inc. v. Am. Leisure Prods., Inc.*, 474 F.2d 1403, 177 USPQ 268, 269-70 (CCPA 1973) (third-party

registrations are not evidence that such marks are in use or that consumers are familiar with them); *In re Hub Distrib., Inc.*, 218 USPQ 284, 286 (TTAB 1983) (“third party registration evidence proves nothing about the impact of the third-party marks on purchasers in terms of dilution of the mark in question or conditioning of the purchasers as to their weakness in distinguishing source”). If registrations of record with the U.S. Patent and Trademark Office are not pertinent in this regard, then clearly, Opposer’s knowledge as to third party use is even less relevant to the inquiry.

By posing these irrelevant requests, Applicant fails to live up to its obligation to seek only relevant information in discovery requests. See *Sentrol, Inc. v. Sentex Systems, Inc.*, 2004 TTAB LEXIS 208 (TTAB); 231 U.S.P.Q. 666 (TTAB 1986).

These Requests require knowledge of the activities of third-parties, which Opposer does not have and is not required to investigate. See T.B.M.P. § 404.9 (such information is “discoverable to the extent that the responding party has actual knowledge thereof (without performing an investigation) and . . . the information appears reasonably calculated to lead to the discovery of admissible evidence”).

These requests were also awkwardly worded as to seek an admission that Opposer “has no evidentiary basis” to either support or dispute the contention stated in the request. While Applicant named specific third parties in some requests (See Gelber Decl. ¶ 8 and Exhibit 4, Requests Nos. 16-46), in others it made vague and indefinite references to “various Greek letter social, professional, or honorary fraternities or sororities.” See *Id.*, Requests Nos. 1, 3, 4, 12 and 14. These Requests require Opposer to admit or deny having an evidentiary basis to support facts of which it has no firsthand knowledge. Initially, Opposer responded to the majority of these requests with a simple denial. However, Opposer has subsequently amended its responses

to indicate that it lacks knowledge or information sufficient to admit or deny the truth of these requests, and therefore denies. Given Opposer's lack of knowledge with regard to the underlying facts, Opposer denied these Requests.

Many of these requests are not reasonably limited in durational scope. For example, Requests Nos. 3 and 4 seek to obtain information from prior to 1894. *See* Exhibit 4 to Gelber Decl. Applicant similarly objected to certain discovery requests of Opposer which sought information relevant to Applicant's activities and knowledge dating back to 1925. Gelber Decl. ¶ 23, and Exhibit 15. As such Applicant cannot, in good faith, argue that Opposer's objections on this basis are improper.

Given the subject matter, wording and scope of these requests, Opposer's prior and amended responses properly noted that it cannot truthfully admit or deny these requests, due to, among other things, their overbreadth and lack of relevance and due to Opposer's lack of knowledge. [These responses are proper in accordance with TBMP § 407.03(b) and Fed. R. Civ. P. 36(a)(4). Additionally, Applicant provided similar responses to Opposer's Request for Admissions. Gelber Decl. ¶ 23 and Exhibit 15.] However, Applicant has declined to address the problem of its ill-considered language. Accordingly, Opposer rests upon its objections

ii. Requests for Admission Nos. 6, 7, and 15

In its June 17, 2013 response to Applicant's deficiency letter Opposer explained the basis for Opposer's denial in response to Applicant's Requests for Admission Nos. 6, 7, and 15. *See* Exhibit 19 to Gelber Decl. Each of these requests sought an admission from Opposer that it "has no evidentiary basis" to support the contention stated in the remainder of the request. For example, Request for Admission No. 6 reads as follows:

Admit that Opposer has no evidentiary basis to support any contention that products bearing any insignia of Applicant are

distributed in any of the same distribution channels in which Opposer's products are distributed.

In its response letter, Opposer specifically identified the documents it believes support a denial of this request, as it did for Requests for Admission Nos. 7 and 15. *See* Exhibit 19 to Gelber Decl. These documents are in Applicant's possession. As such, Applicant's Motion is moot with respect to Requests for Admissions Nos. 6, 7, and 15.

iii. Requests for Admissions No. 8

Applicant's Request for Admission No. 8 reads:

Admit that Opposer has no evidentiary basis to dispute that the commercial impression generated by the use of [Applicant's Crest] Applicant's Greek letter indicia,  $\Lambda\Phi\Omega$ , in relation to clothing or related products in the market in which those products pass is recognition of the mark by the target consumers as a reference to the Alpha Phi Omega National Service Fraternity.

Request for Admission No. 8 is somewhat difficult to comprehend, specifically the last portion which reads "**is recognition** of the mark by the target consumers as a reference to the Alpha Phi Omega National Service Fraternity." (emphasis added). Nevertheless, in its effort to comply with its discovery obligations in a cooperative manner, Opposer responded to the Request on the understanding that it asked Opposer to "Admit that Opposer has no evidentiary basis to dispute" matters related to the commercial impression of Applicant's marks.

This Request also suffers from a variety of defects including use of undefined and vague terms, as well as seeking an admission based upon information that is within Applicant's knowledge, possession and/or control, and seeks to impose upon Opposer obligations beyond the permissible scope of discovery. Opposer also has no knowledge of a variety of facts which are required to answer this request, including knowledge of Applicant's "products in the market," Applicant's "related products", the "market in which those products pass" and "the commercial



impression” of Applicant’s marks. At the time of its response to this Request, Opposer had not received Applicant’s discovery responses or document production and Opposer noted same in its response to this Request. *See* Exhibit 4 to Gelber Decl. Even after receiving Applicant’s discovery responses and document production, Opposer lacked knowledge sufficient to respond to this Request because Applicant has provided no evidence relevant to the commercial impression of Applicant’s marks. *See* Exhibit 12 to Gelber Decl.

Applicant further failed to properly define vague and ambiguous terms in this Request, including “products in the market,” and “related products.” Applicant has not defined these terms, clarified their meaning or provided any context for these terms. Opposer accordingly objected to this Request as overly broad.

Opposer lacks knowledge sufficient to admit or deny and as such, Opposer’s response to this effect is sufficient.

iv. Request for Admissions No. 9-11

Requests for Admissions No. 9-11 inquire about instances of actual confusion and the association that Applicant’s target consumers make with regard to Applicant’s marks and Opposer’s marks. However, these requests include vague and ambiguous terms, including “related products,” “relevant consumer” and “appreciable amount,” which render these Requests deficient and unanswerable. These Requests are also not limited in geographic scope to the United States or to a reasonable durational scope. Given the undefined terms and the unlimited geographic and durational scope of these Requests, Opposer objected to these Requests on these, as well as other grounds. Gelber Decl.¶ 8, Exhibit 4. Applicant did not provide any meaningful definition of these terms nor has Applicant attempted to narrow the scope of its Requests or provided any clarification following receipt of Opposer’s response to the deficiency letter

advising about the defects in these Requests.

v. Request for Admission No. 13

Request for Admission No. 13 asks Opposer to “[a]dmit that Opposer does not advertise or market products bearing the marks upon which this Opposition is based in the Greek Affinity Products Market.” Despite the ambiguity of this question and its unlimited geographic and temporal scope (all of which Opposer objected to), Opposer responded to this request as sufficiently as possible. Opposer responded that it does not specifically advertise or market its class 14 or 25 goods to members of fraternities or sororities or their family members. Opposer’s response is sufficient.

vi. Request for Admission No. 47

Request for Admission No. 47 states:

Admit that Opposer has no evidentiary basis to support any contention the marks upon which the Opposition is based were the subject of substantial, widespread, public recognition in the United States prior to 1925.

As discussed previously, the fame of Opposer’s mark prior to 1925 is not relevant to this proceeding because Applicant has not and cannot provide evidence of continuous use of Applicant’s marks on Class 14 and Class 25 since 1925. Furthermore, this Request is ambiguous and vague, as it cannot be discerned what Applicant intends by the “the marks upon which the Opposition is based.” It is unclear if this phrase is referring to Opposer’s marks or Applicant’s marks or perhaps both.

Nonetheless, Opposer, in its response, indicated that it understood this phrase to mean Opposer’s OMEGA Marks, properly limited its response to the United States and to a reasonable time period. Opposer then properly denied this Request because it has documents which support the fame of Opposer’s Marks prior to 2010 and has provided same to Applicant. As such,

Opposer's denial is proper.

vii. Request for Admission No. 48

Request for Admission No. 48 asks Opposer to

Admit that [it] has no evidentiary basis to support any contention Applicant is attempting to trade on Opposer's reputation or is otherwise attempting to create any consumer association between products bearing any insignia of the Applicant and products marketed under the marks upon which the Opposition is based.

This Request is vague, ambiguous and overly broad due to Applicant's use of terms such as "any insignia of the Applicant" and "products marketed under the marks upon which the Opposition is based." In addition, Opposer's oppositions are supported by Applicant's incorporation of its registered trademarks "OMEGA" and its equivalent "Ω" into Applicant's marks and Applicant's attempt to use and register its confusingly similar marks on goods in Class 14 and 25, fields where Opposer has priority. Applicant's trademark applications as well as Opposer's trademark registrations and examples of Opposer's use of its marks on Class 14 and 25 goods constitute examples of such evidentiary basis. Such documents have been produced to Applicant or are already in Applicant's possession. In light of the foregoing, Opposer properly denied this Request.

**E. Opposer's Objections and Responses to Request for Document Production No. 21 and Interrogatory No. 15 are Proper**

Both Request for Document Production No. 21 and Interrogatory No. 15 related to Opposer's denials of Applicant's Requests for Admissions.

Request for Document Production No. 21 seeks any and all documents and things which form the basis for Opposer's denials of any of Applicant's Requests for Admissions. As explained above, the great majority of Applicant's Requests for Admissions pertained to

information of which Opposer lacks firsthand knowledge. As to these Requests, Opposer advised that it lacked sufficient information to either admit or deny and therefore denied these Requests. Consequently, there are no documents that can be provided with respect to these denials. To the extent that the denials were supported by documentary evidence, such documents were provided to Applicant, are already in Applicant's possession and/or are publicly available to Applicant. Opposer specifically addressed these Requests for Admissions (specifically Requests for Admissions No. 6, 7, and 15) in its June 17, 2013 letter in response to Applicant's deficiency letter. *See Exhibit 19 to Gelber Decl.*

Interrogatory 15 first requests that Opposer "itemize, identify, and describe in detail any testimonial or other evidentiary basis supporting Opposer's denial of any of the Requests for Admissions." Interrogatory 15 continues on to request that "in relation to each [of the testimonial or other evidentiary basis identified], identify by name, address, occupation and telephone number any person's with knowledge of same." As such, there are ten sub-parts to Interrogatory 15. Since Opposer denied 46 Requests for Admission, this amounts to a total of four-hundred and sixty (460) separate interrogatories. In addition to its objection that Applicant exceeded the 75 Interrogatory limit per TBMP 705, Opposer also incorporated by reference its General Objections, which includes, among other things, an objection that the request is "unduly burdensome." Interrogatory 15 is unduly burdensome as it is the equivalent of four-hundred and sixty (460) separate interrogatories. Opposer thus stands on its objection that this Interrogatory is overly burdensome.

Opposer notes that its denial of numerous of Applicant's Requests for Admission was a result of Opposer's inability to respond to such Requests due to lack of knowledge, Applicant's attempt to impose an obligation beyond the scope of the Federal and Trademark Rules or the

irrelevance of the information sought. As Applicant has incorporated by reference the 46 denied Requests for Admissions into this Interrogatory, Opposer incorporates by reference its objections and responses to those 46 Requests for Admission into its response to Interrogatory No. 15.

Finally Opposer has denied many of Applicant's Requests for Admissions due to Opposer's lack of firsthand knowledge. As a result, there are no documents, things or knowledgeable people to identify with respect to these denials. As noted above, to the extent that the denials were supported by documentary evidence, such documents were provided to Applicant, are already in Applicant's possession and/or are publicly available to Applicant.

Opposer respectfully submits that it has sufficiently and properly responded to Request for Production of Documents No. 9 and Interrogatory No. 15.

#### **IV. CONCLUSION**

Applicant's Motion to Compel fails comply with 37 C.F.R. § 2.120(e) and its single letter is insufficient to meet the threshold showing of good faith effort to resolve discovery disputes before seeking Board intervention. Applicant has also neglected to advise the Board, as it is required by 37 C.F.R. § 2.120(e), of Opposer's response to Applicant's deficiency letter and Opposer's Supplemental Responses to Applicant's First Set of Interrogatories and Opposer's Amended Responses to Applicant's First Request for Admissions, which moot many, if not all, of Applicant's claimed deficiencies. For these reasons, Applicant's Motion to Compel is procedurally deficient and should be dismissed.

Opposer submits that Applicant's discovery requests were defective due to, among other things, imprecise language, overbreadth, and irrelevant subject matter. Opposer attempted to provide Applicant with the discovery it sought despite these defects in the spirit of the

Trademark Rules. Furthermore, Opposer has already supplied Applicant with Opposer's Supplemental Responses to Applicant's First Set of Interrogatories and Opposer's Amended Responses to Applicant's First Request for Admissions. Opposer thus submits that this Motion to Compel is moot and should be dismissed.

Respectfully Submitted

By: Oren Gelber

Jess M. Collen  
Oren Gelber  
COLLEN *IP*  
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(914) 941-5668 Tel.  
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*Counsel for Opposer Omega SA (Omega AG)*  
*(Omega Ltd.)*

Date: July 1, 2013  
JMC/OG:eg

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED THROUGH THE ELECTRONIC SYSTEM FOR TRADEMARK TRIAL AND APPEALS IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

COLLEN IP

By: Oren Gelber Date: July 1, 2013  
Oren Gelber

**CERTIFICATE OF SERVICE**

I, Kristen Mogavero, hereby certify that a copy of the foregoing **Opposer's Opposition To Applicant's Motion To Compel Discovery and Test Sufficiency of Responses** was served by First Class U.S. Mail, postage prepaid on this 1st Day of July, 2013 upon

Jack A. Wheat  
Stites & Harbison PLLC  
400 W Market St Ste 1800  
Louisville, KY 40202-3352

Kristen Mogavero  
Kristen Mogavero

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: ALPHA PHI OMEGA and design

Opp. No.: 91197504 (Parent)

Serial No.: 77950436

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: AΦΩ

Opp. No.: 91197505 (Child)

Serial No.: 77905236

**DECLARATION OF OREN GELBER IN SUPPORT OF OPPOSER'S  
OPPOSITION TO APPLICANT'S MOTION TO COMPEL**

I, Oren Gelber, declare as follows:

1. I am an attorney at the firm Collen IP, attorney for Omega SA (Omega AG) (Omega Ltd.). I submit this declaration in support of Opposer's Opposition to Applicant's Motion to Compel. The facts set forth in this Declaration are personally known to me and I have



first hand knowledge thereof. If called as a witness, I could and would competently testify to all facts within my personal knowledge, except where stated upon information and belief.

2. On November 22, 2010, Opposer initiated Opposition Nos. 91197504 and 91197505 by filing Opposer's Notices of Opposition against Applicant's U.S. Trademark Application Serial Nos. 77950436 and 77905236, respectively.

3. Following Applicant's Answer and the discovery conference, the parties engaged in settlement discussions and filed a number of motions for suspension with the Board.

4. Following the Board's Order of January 24, 2013 Opposer moved to consolidate these proceedings on February 19, 2013.

5. While Opposer's Motion on Consent to Consolidate Related Proceedings was pending before the Board, Applicant served Opposer with Applicant's First Set of Interrogatories, Applicant's First Request for Production of Documents and Things and Applicant's First Request for Admissions on February 28, 2013.

6. On March 18, 2013 the Board granted Opposer's Motion on Consent to Consolidate Related Proceedings.

7. On April 3, 2013 Opposer served upon Applicant a Notice of Rule 30(b)(6) Deposition on Oral Exam. A true and correct copy of Opposer's Notice of Rule 30(b)(6) Deposition on Oral Exam is attached hereto as Exhibit 1.

8. On April 4, 2013 Opposer served Opposer's Responses and Objections to Applicant's First Set of Interrogatories, Opposer's Responses and Objections to Applicant's First Request for Production of Documents and Things and Opposer's Responses and Objections to Applicant's First Request for Admissions. A true and correct copy of Opposer's Responses and Objections to Applicant's First Set of Interrogatories is attached hereto as Exhibit 2; a true

and correct copy of Opposer's Responses and Objections to Applicant's First Request for Production of Documents and Things is attached hereto as Exhibit 3; and a true and correct copy of Opposer's Responses and Objections to Applicant's First Request for Admissions is attached hereto as Exhibit 4.

9. On April 17, 2013, Applicant asserted objections to Opposer's Notice of Rule 30(b)(6) Deposition on Oral Exam. A true and correct copy of Applicant's letter dated April 17, 2013 is attached hereto as Exhibit 5.

10. In a letter dated April 30, 2013 Opposer responded to Applicant's objections to Opposer's Notice of Rule 30(b)(6) Deposition on Oral Exam. A true and correct copy of Applicant's letter dated April 30, 2013 is attached hereto as Exhibit 6.

11. In emails dated April 30, 2013 through May 10, 2013, the parties exchanged communications concerning Opposer's Notice of Rule 30(b)(6) Deposition on Oral Exam. A true and correct copy of Opposer's and Applicant's counsels' email chain from April 30, 2013 through May 10, 2013 is attached hereto as Exhibit 7.

12. On May 14, 2013, Opposer's and Applicant's counsel held a telephone conference concerning Opposer's Notice of Rule 30(b)(6) Deposition on Oral Exam seeking to resolve Applicant's objections.

13. On May 21, 2013, Applicant's counsel sent Opposer's counsel correspondence addressing some of the topics discussed during the May 14, 2013 telephone conference. A true and correct copy of Applicant's letter dated May 21, 2013 is attached hereto as Exhibit 8.

14. On May 24, 2013, Applicant's counsel transmitted to Opposer's counsel Applicant's deficiency letter. A true and correct copy of Applicant's deficiency letter dated May

24, 2013 is attached hereto as Exhibit 9. Applicant made no other efforts to conference with Opposer to resolve alleged discovery defects beyond its May 24, 2013 letter.

15. On May 29, 2013, Opposer's counsel sent Applicant's counsel Opposer's an Amended Notice of Rule 30(b)(6) Deposition on Oral Exam. A true and correct copy of Opposer's Amended Notice of Rule 30(b)(6) Deposition on Oral Exam is attached hereto as Exhibit 10.

16. On May 30, 2013, Opposer's counsel sent Applicant's counsel correspondence clarifying points regarding the deposition that were discussed during the parties' May 14, 2013 meet and confer and raised in Applicant's counsel's letter of May 21, 2013. A true and correct copy of Opposer's letter dated May 30, 2013 is attached hereto as Exhibit 11.

17. On June 5, 2013, Opposer's counsel took the deposition of Applicant's witness.

18. On April 26, 2013, Opposer served upon Applicant its document production, bates-labeled OSA000001-2861.

19. On May 22, 2013, Applicant served upon Opposer its document production, bates-labeled AL0001-0131. A true and correct copy of Applicant's document production is attached hereto as Exhibit 12.

20. Applicant's document production included Applicant's U.S. Trademark Registration No. 3828181 for "Headwear; Jackets; Shirts; Sweat shirts" in Class 25. U.S. Trademark Office records show that the application that resulted in this registration was filed on January 8, 2010 and asserts a date of first use of 1980. A true and correct copy of the USPTO Records for U.S. Trademark Registration No. 3828181 as obtained from the Trademark Status & Document Retrieval is attached hereto as Exhibit 13.

21. Applicant's document production included Applicant's U.S. Trademark Registration No. 265,052 for "FRATERNITY BADGES, LAPEL BUTTONS; SCARF, LAPEL, AND BREAST PINS; CUFF LINKS, TIE CLASPS, CHARMS, FINGER RINGS, BELT BUCKLES, AND ORNAMENTAL SHIELDS, ALL OF PRECIOUS METAL" in Class 14. Applicant's document production (Exhibit 12) bates labeled AL0009 shows that the application that resulted in this registration was filed on July 3, 1929.

22. According to the United States Patent and Trademark Office records, Applicant's U.S. Trademark Registration No. 265,052 was cancelled on December 23, 2000. A true and correct copy of the USPTO Records for U.S. Trademark Registration No. 265,052 as obtained from the Trademark Status & Document Retrieval is attached hereto as Exhibit 14.

23. On May 1, 2013 Applicant served its Responses to Opposer's First Request for Admissions. A true and correct copy of Applicant's responses and objections to Opposer's Requests for Admissions No. 7 and 8, as contained in Applicant's Responses to Opposer's First Request for Admissions is attached hereto as Exhibit 15.

24. On May 1, 2013 Applicant also served its Response to Opposer's First Set of Requests for the Production of Documents and Things. In response to Requests Nos. 12 and 13 Applicant asserted numerous objections and provided no documents or other evidence. A true and correct copy of Applicant's responses and objections to Opposer's Requests for the Production of Documents and Things Nos. 12 and 13 is attached hereto as Exhibit 16.

25. Following the deposition of Applicant's witness, Opposer's counsel began preparing a response to Applicant's May 24, 2013 deficiency letter.

26. On June 13, 2013, Opposer sent a letter to Applicant via e-mail and first class mail addressing the deficiencies in Applicant's responses to Opposer's First Set of Requests for

Admissions, First Set of Interrogatories, and First Set of Requests for the Production of Documents and Things. Enclosed with that letter was Opposer's Supplemental Responses to Applicant's First Set of Interrogatories. A true and correct copy of Opposer's June 13, 2013 deficiency letter to Applicant is attached hereto as Exhibit 17; a true and correct copy of Opposer's Supplemental Responses to Applicant's First Set of Interrogatories is attached hereto as Exhibit 18.

27. On June 17, 2013, Opposer sent a detailed letter to Applicant responsive to its May 24, 2013 deficiency letter via email and first class mail. Opposer's Amended Responses and Objections to Applicant's First Request for Admissions were enclosed therewith. A true and correct copy of Opposer's June 17, 2013 letter to Applicant is attached hereto as Exhibit 19; a true and correct copy of Opposer's Amended Responses and Objections to Applicant's First Request for Admissions is attached hereto as Exhibit 20.

28. Applicant's counsel did not notify Opposer of Applicant's Motion to Compel in response to the emails sent by Opposer's counsel on June 13 and 17, 2013.

29. On June 17, 2013, Applicant's Motion (1) To Compel Discovery and (2) To Test Sufficiency of Responses to Requests for Admissions was received in Opposer's counsel's office (hereinafter referred to as "Applicant's Motion to Compel").

30. Opposer did not receive e-mail service of Applicant's Motion to Compel. Applicant's Motion to Compel was only received by Opposer's counsel via U.S. mail.

31. Opposer prepared and dispatched the June 13 and June 17, 2013 correspondence and discovery materials without knowledge of Applicant's Motion to Compel. Beyond U.S. mail service, Applicant never informed Opposer that it had filed the Motion on June 11, 2013.

Counsel learned of Applicant's Motion to Compel (a full 7 days after the motion was filed) only after having prepared and dispatched its June 17 letter (paragraph 27, above).

32. Between receipt of Applicant's May 24, 2013 deficiency letter and receipt of Applicant's Motion to Compel, Opposer worked diligently to develop a proposed settlement agreement. On June 19, 2013, Opposer sent Applicant proposed settlement terms for review.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed July 1, 2013, at Ossining, New York.

A handwritten signature in purple ink, reading "Oren Gelber", is positioned above a horizontal line.

Oren Gelber

# EXHIBIT 1

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),  
Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: AΦΩ  
Opp. No.: 91197505 (Parent)  
Serial No.: 77905236

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),  
Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: ALPHA PHI OMEGA and design  
Opp. No.: 91197504 (Child)  
Serial No.: 77950436

**NOTICE OF RULE 30(b)(6) DEPOSITION  
UPON ORAL EXAM**

TO: Alpha Phi Omega

C/O: Jack A. Wheat  
Stites & Harbison PLLC  
400 W Market Sreet, Suite 1800  
Louisville, KY 40202-3352

PLEASE TAKE NOTICE that in the above-captioned opposition proceedings, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure and TBMP § 404.01, on Wednesday, May 8, 2013 at 9:30 am at the offices of Collen IP, 80 South Highland Avenue, Ossining, NY



10562, or another mutually convenient location, Opposer will take the deposition of Applicant Alpha Phi Omega through one or more of its officers, directors, or managing agents, or other persons designated by Applicant, with knowledge of the following topics:

1. All products and services sold or offered for sale in the United States by Applicant Alpha Phi Omega ("Applicant") in conjunction with Applicant's ALPHA PHI OMEGA and **AΦΩ** trademarks ("Applicant's Marks").
2. The circumstances surrounding the adoption and first use of Applicant's Marks in the United States.
3. The adoption and first use of Applicant's Marks in the United States.
4. Use of Applicant's Marks in the United States since their adoption, as well as any periods of non-use, and any intended future uses of the mark.
5. Applicant's advertising, marketing, manufacturing and product development activities and plans for Applicant's Marks in the United States.
6. The channels of trade through which Applicant sells and/or distributes goods in conjunction with Applicant's Marks in the United States.
7. The customers and distributors to whom Applicant sells goods in conjunction with Applicant's Marks in the United States.
8. Applicant's customers and distributors in the United States.
9. Applicant's contacts with its customers and distributors in the United States.
10. The manner in which Applicant distributes products bearing Applicant's Marks in the United States.

11. The dollar amounts expended by Applicant in developing and promoting Applicant's Marks, either in alone or in combination with any other term, design, or designation in the United States.

12. Applicant's annual U.S. sales of goods bearing Applicant's Marks for the past five years, in U.S. dollars.

13. Applicant's annual U.S. sales of goods bearing Applicant's Marks for the past five years, in units.

14. Past or present confusion or evidence of confusion between Applicant's Marks and other marks in the United States.

15. Licenses or agreements with any third parties in the United States related to Applicant's Marks.

16. Applicant's plans to market, distribute, sell, or provide products using Applicant's Marks in the United States.

17. Applicant's other OMEGA or  $\Omega$  marks.

18. The commercial impression and pronunciation of Applicant's Marks.

19. The fame and goodwill associated with Applicant's Marks.

20. All documents produced by Applicant in response to Opposer's First Set of Interrogatories and Request for Document Production.

21. All information provided by Applicant in its responses to Opposer's First Set of Interrogatories.

22. The factual bases for Applicant's admissions and denials provided in response to Opposer's First Set of Requests for Admissions.

Please take further notice that pursuant to Rule 30(b)(3) of the Federal Rules of Civil Procedure the deposition will be recorded by one or more of the following means: stenographic, sound and/or visual means.

The deposition will continue day to day until completed. You are invited to attend and cross-examine.

Respectfully Submitted,

By: Thomas P. Gulick

Jess M. Collen  
Thomas P. Gulick  
Oren Gelber  
COLLEN *IP*  
THE HOLYOKE-MANHATTAN BUILDING  
80 South Highland Avenue  
Ossining, NY 10562  
(914) 941-5668 Tel.  
(914) 941-6091 Fax

*Counsel for Opposer*

Dated: April 3, 2013

**CERTIFICATE OF SERVICE**

I, Edie Garvey, hereby certify that a true and correct copy of the foregoing Notice of Rule 30(b)(6) Deposition Upon Oral Examination has been served by First Class Mail, Postage Prepaid, on April 3, 2013 upon Applicant's Attorney of Record at the following address:

Jack A. Wheat  
Stites & Harbison PLLC  
400 W Market Street, Suite 1800  
Louisville, KY 40202-3352

Edie Garvey

# EXHIBIT 2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,

Applicant.

Mark: ALPHA PHI OMEGA and design

Opp. No.: 91197504 (Parent)

Serial No.: 77950436

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,

Applicant.

Mark: AΦΩ

Opp. No.: 91197505 (Child)

Serial No.: 77905236

**OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S  
FIRST SET OF INTERROGATORIES**

Opposer Omega SA (Omega AG) (Omega Ltd.) (hereafter, "Opposer"), hereby serves its responses and objections to Applicant's First Set of Interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure.

**PREAMBLE:**

Opposer, with Applicant's consent, moved to consolidate Opposition Nos. 91197504 and 91197505 on February 19, 2013. On February 28, 2013, while the Motion to Consolidate Related Proceedings was pending, Applicant served Opposer with two sets of discovery requests,

one under the caption for Opposition No. 91197504 and the other under the caption for Opposition No. 91197505. On March 18, 2013, the Trademark Trial and Appeal Board consolidated Opposition Nos. 91197504 and 91197505.

In light of the fact that the majority of Applicant's discovery requests in Opposition No. 91197504 are identical to Applicant's discovery requests in Opposition No. 91197505, and in accordance with email correspondence between Opposer's counsel and Applicant's counsel on March 27, 2013, Applicant has agreed to accept one set of responses to both sets of Applicant's discovery requests. Where the wording of the discovery requests vary slightly given the reference to one specific mark of the two marks being opposed, Opposer has reproduced both sets of requests but has provided only one response addressing both requests.

#### **GENERAL OBJECTIONS**

1. Opposer objects to each and every interrogatory in their entirety on the ground that Opposer is responding on the basis of its current knowledge and information. Opposer reserves the right to supplement each response to these interrogatories.
2. Opposer objects to each and every interrogatory insofar as and to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such information. Any inadvertent disclosure of such information shall not be a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.
3. Opposer objects to each and every interrogatory insofar as and to the extent it seeks divulgence of trade secrets, confidential or proprietary information of any third-party, such information will not be disclosed. To the extent each and every request seeks divulgence of such information of Opposer, such information will be disclosed subject to an appropriate protective

order, signed by the parties and their counsel, and ordered by the Trademark Trial & Appeal Board.

4. Opposer objects to each and every interrogatory to the extent it seeks disclosure of information relating to or revealing proprietary development and marketing activities for products not yet manufactured or not yet on sale or otherwise employed. The slight relevance, if any, of such highly confidential trade secret information is vastly outweighed by the severe prejudice that would result to Opposer were it to be disclosed or available to competitors of Opposer. Opposer will not provide such information.
5. Opposer objects to each and every interrogatory to the extent it calls for information neither relevant to the subject matter of this Action nor reasonably calculated to lead to the discovery of admissible evidence.
6. Opposer objects to Applicant's definitions in their entirety to the extent same seeks to impose obligations on Opposer beyond those permitted by the Federal Rules of Civil Procedure or the Local Rules applicable to this matter.
7. Opposer objects to each and every interrogatory to the extent it calls for information that exceeds a reasonable durational scope.
8. Opposer objects to each and every interrogatory to the extent it calls for information not yet available as these responses are made during the discovery process. Opposer reserves the right to supplement responses when the information becomes available.
9. Opposer objects to each and every interrogatory to the extent it is overly broad, vague and ambiguous, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.
10. Opposer objects to each and every interrogatory to the extent it is duplicative.



11. Opposer objects to each and every interrogatory to the extent that it is not limited in geographic scope to the United States.

12. Opposer objects to the extent it is not required to respond to these interrogatories to the extent that Applicant has exceeded the permitted number of interrogatories, including subparts, as set forth in 37 C.F.R. § 2.120(d)(1), and TBMP §§ 405.03(a) and 405.03(e).

### **SPECIFIC OBJECTIONS AND RESPONSES**

#### **INTERROGATORY NO. 1**

State the address of each location in the United States at which applicant maintains a place of business for the promotion, sale, or distribution of products promoted and/or sold under any of the marks upon which the Opposition is based.

#### **ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Specifically, Opposer objects to this interrogatory to the extent that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this interrogatory to the extent that it seeks information that is publicly available and equally accessible to Applicant at its own cost. Notwithstanding and without waiving any of the foregoing objections, Opposer responds:

- The Swatch Group (U.S.) Inc. is Opposer's exclusive U.S. licensee, located at 1200 Harbor Boulevard, 7th Floor, Weehawken, NJ 07086
- Opposer states that its products are sold through retail stores. Information regarding the retail locations where Opposer's products are sold can be found at Opposer's Web site at <http://www.omegawatches.com>. Opposer will make available a list of the names and

locations of the retail locations where its products and services sold. Opposer also identifies OMEGA boutiques are located at the following addresses: 909 North Michigan Avenue, Chicago, IL 60611, 390 Hackensack Avenue, Hackensack, NJ 07601, 4663 River City Drive, Jacksonville, FL 32246, 8500 Beverly Boulevard, Los Angeles, CA 90048, 2126 Abbott Martin Road, Nashville, TN 37215, 711 Fifth Avenue, New York, NY 10022, 1000 Ross Park Mall Drive, Pittsburgh, PA 15237, 7014 East Camelback Road, Scottsdale, AZ 85251, 411 University Street, Seattle, WA 98101, 125 Westchester Avenue, White Plains, NY 10601. In addition, Opposer also sells sports timing apparatus, instruments and installations through a third party.

## **INTERROGATORY NO. 2**

Identify by name, title, and address each person responsible for accumulating the factual information requested in these discovery requests, and if than one person is identified, specify which of the respective discovery requests, or portion thereof for which each such person is responsible.

## **ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects to this Interrogatory to the extent it seeks disclosure of information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such information. Notwithstanding those objections, and without waiving them, Opposer states the undersigned counsel prepared these responses with information provided by Opposer's legal department. Opposer further identifies that Ms. Petra Hlavacek and Mr. Raynald Aeschlimann participated with respect to all of the above responses.

**INTERROGATORY NO. 3**

Itemize on an annual basis the unit and dollar volume of all sales in the United States prior to 1925 of any product sold under the marks upon which this Opposition is based.

**ANSWER**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational scope, Opposer will make documents available that are responsive to this interrogatory.

**INTERROGATORY NO. 4**

Describe in detail and itemize on an annual basis the extent of any advertising or other marketing efforts in the United States prior to 1925 of any product being advertised or marketed under the marks upon which this Opposition is based.

**ANSWER**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly

burdensome to the extent it seeks information that is not reasonably limited in durational scope..  
Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational scope, Opposer will make documents available that are responsive to this interrogatory.

**INTERROGATORY NO. 5**

Identify by date, and describe in detail the source and nature of any media attention received in the United States prior to 1925 relating to any product marketed in the United States under the marks upon which the Opposition is based.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein.  
Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its responses to a reasonable durational scope, Opposer will make documents available that are responsive to this interrogatory.

**INTERROGATORY NO. 6**

Identify by name, address, occupation, and telephone number any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis in support of the allegations of paragraph 9 of the Notice of opposition that upon information and belief product

bearing the mark sought to be registered will cause confusion, mistake and deception by virtue of Opposer's prior use of the marks upon which the Opposition is based.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Omega S.A. further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures.

**INTERROGATORY NO. 7**

Describe in detail the channels of distribution in the United States for product bearing the marks upon which the Opposition is based.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer further objects to the extent that this interrogatory seeks production of confidential and/or commercially sensitive information in the absence of a signed protective order filed with the Board. Opposer objects to this interrogatory as being overbroad, vague and ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects that this interrogatory is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this interrogatory is not limited in geographic scope to the extent that it seeks

information related to activities occurring outside the United States and which have no bearing on this proceeding. Opposer objects to this interrogatory as duplicative of Interrogatory No. 1. Opposer also objects to this interrogatory to the extent it seeks public information that is equally available to Applicant through its own efforts and at its own cost.

Subject to, and without waiving the foregoing objections, and limiting its responses to the United States and to a reasonable durational scope, Opposer responds that its products are sold through retail stores. Information regarding the retail locations where Opposer's products are sold can be found at Opposer's Web site at <http://www.omegawatches.com>. Opposer will make available a list of the names and locations of the retail locations where its products and services sold. Opposer also identifies OMEGA boutiques are located at the following addresses: 909 North Michigan Avenue, Chicago, IL 60611, 390 Hackensack Avenue, Hackensack, NJ 07601, 4663 River City Drive, Jacksonville, FL 32246, 8500 Beverly Boulevard, Los Angeles, CA 90048, 2126 Abbott Martin Road, Nashville, TN 37215, 711 Fifth Avenue, New York, NY 10022, 1000 Ross Park Mall Drive, Pittsburgh, PA 15237, 7014 East Camelback Road, Scottsdale, AZ 85251, 411 University Street, Seattle, WA 98101, 125 Westchester Avenue, White Plains, NY 10601. In addition, Opposer also sells sports timing apparatus, instruments and installations through a third party.

#### **INTERROGATORY NO. 8**

Identify by name, address, occupation and telephone number any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis in support of the allegations of paragraph 10 of the Notice of Opposition that upon information and belief the mark sought to be registered is applied to goods sold to the same or similar channels of

distribution as are products bearing the marks upon which the Opposition is based.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein.

Omega S.A. further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer responds that Applicant did not limit its channels of trade in Application Serial Nos. 77905236 and 77950436. Accordingly, Applicant's goods are presumed to travel through all the normal channels of trade for such goods in Class 14 and 25 and therefore overlap with Opposer's channels of trade for its Class 14 and 25 goods. Where the descriptions of goods in trademark applications are not limited to specific channels of trade or classes of customers, there is a presumption that the parties share the same trade channels.

**INTERROGATORY NO. 9**

Identify by name, address, occupation and telephone number any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis which supports the allegations of paragraph 13 of the Notice of Opposition that the Omega is a famous mark.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein.

Omega S.A. further objects that this Interrogatory is premature. Notwithstanding those

objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer will make documents available that are responsive to this interrogatory.

#### **INTERROGATORY NO. 10**

Identify by name, address, occupation and telephone number any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis which supports any contention OMEGA was a famous mark in the United States as early as 1925.

#### **ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Opposer further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside



the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational scope, Opposer will make documents available responsive to this interrogatory.

**INTERROGATORY NO. 11**

Identify by name, address, occupation and telephone number any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis in support of the allegations of paragraph 14 of the Notice of Opposition that the mark sought to be registered dilutes or is likely to dilute the distinctive character of the marks upon which the Opposition is based.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects that this interrogatory is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this interrogatory is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Opposer objects that this Interrogatory is duplicative of Interrogatory Nos. 9 and 10. Omega S.A. further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without

waiving the foregoing objections, and limiting its response to the U.S. and to a reasonable durational scope, Opposer will make documents available responsive to this interrogatory.

**INTERROGATORY NO. 12**

Identify by name, address, occupation and telephone number any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis in support of any contention the commercial impression generated by the use of Applicant's Crest on products in the market in which those products pass is likely to be recognized as an identification or association with Opposer or its products.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects that this interrogatory is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this interrogatory is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Omega S.A. further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to the U.S. and to a reasonable durational scope, Opposer will make documents

available responsive to this interrogatory.

**INTERROGATORY NO. 13**

Identify by name, address, occupation and telephone number any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis in support of any other contention of Opposer in this Opposition

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects that this interrogatory is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this interrogatory is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Opposer objects that this Interrogatory is overly broad. Omega objects to this Interrogatory to the extent that it is duplicative of Interrogatory Nos. 8-12. Omega S.A. further objects that this Interrogatory is premature. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Notwithstanding and without waiving the foregoing objections, and limiting its response to the U.S. and to a reasonable durational scope, Opposer will make documents available responsive to this interrogatory.

**INTERROGATORY NO. 14**

Describe in detail the types of customers with whom Applicant does or intends to do business in connection with Applicant's Mark, and the types of target end consumers for products bearing the marks upon which the Opposition is based.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects to this Interrogatory as it seeks information outside its firsthand knowledge. Opposer further objects to this interrogatory to the extent that it seeks information that is within Applicant's knowledge, possession and/or control and therefore accessible to Applicant at its own cost. Opposer objects that this interrogatory is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this interrogatory is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Opposer objects on the grounds of relevance, as where goods are similar and lack restrictions on identifications relating to trade channels and purchasers, the class of purchasers and channels of trade are presumed to be the same.

**INTERROGATORY NO. 15**

Itemize, identify, and describe in detail any testimonial or other evidentiary basis supporting Opposer's denial of any of the Requests for Admissions propounded with these Interrogatories and in relation to each, identify by name, address, occupation and telephone number any person's with personal knowledge of same.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein.

Opposer specifically objects that by seeking to incorporate its Requests for Admission into these Interrogatories, Applicant therefore exceeds the 75 Interrogatory limit and is not in compliance with 37 C.F.R. § 2.120(d)(1), and TBMP §§ 405.03(a) and 405.03(e).

Respectfully Submitted  
As to Objections,

By:



Jess M. Collen

Thomas P. Gulick

Oren Gelber

COLLEN IP

THE HOLYOKE-MANHATTAN BUILDING

80 South Highland Avenue

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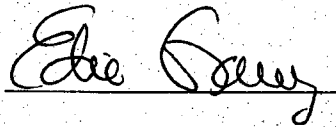
*Counsel for Opposer Omega SA (Omega AG)*  
*(Omega Ltd.)*

Date: April 4, 2013

**CERTIFICATE OF SERVICE**

I, Edith Garvey, hereby certify that I caused a true and correct copy of Opposer's Responses to Applicant's Request for Admissions, Interrogatories and Requests for Production of Documents and Things to be served upon the following, via first class mail, postage prepaid this 4<sup>th</sup> Day of April, 2013.

Stites & Harbison PLLC  
400 W Market Street, Suite 1800  
Louisville, KY 40202-3352  
Attn: Jack A. Wheat

A handwritten signature in cursive script, appearing to read "Edith Garvey", is written over a horizontal line.

# EXHIBIT 3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: ALPHA PHI OMEGA and design

Opp. No.: 91197504 (Parent)

Serial No.: 77950436

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: AΦΩ

Opp. No.: 91197505 (Child)

Serial No.: 77905236

**OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS**

Opposer Omega SA (Omega AG) (Omega Ltd.) (hereafter, "Opposer"), hereby serves its responses and objections to Applicant's Request for Production of Documents and Things pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure.

**PREAMBLE:**

Opposer, with Applicant's consent, moved to consolidate Opposition Nos. 91197504 and 91197505 on February 19, 2013. On February 28, 2013, while the Motion to Consolidate



Related Proceedings was pending, Applicant served Opposer with two sets of discovery requests, one under the caption for Opposition No. 91197504 and the other under the caption for Opposition No. 91197505. On March 18, 2013, the Trademark Trial and Appeal Board consolidated Opposition Nos. 91197504 and 91197505.

In light of the fact that the majority of Applicant's discovery requests in Opposition No. 91197504 are identical to Applicant's discovery requests in Opposition No. 91197505, and in accordance with email correspondence between Opposer's counsel and Applicant's counsel on March 27, 2013. Applicant has agreed to accept one set of responses to both sets of Applicant's discovery requests. Where the wording of the discovery requests vary slightly given the reference to one specific mark of the two marks being opposed, Opposer has reproduced both sets of requests but has provided only one response addressing both requests.

### **GENERAL OBJECTIONS**

1. Opposer objects to each and every document request in their entirety on the ground that Opposer is responding on the basis of its current knowledge and information. Opposer reserves the right to supplement each response to these interrogatories.
2. Opposer objects to each and every document request insofar as and to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such information. Any inadvertent disclosure of such information shall not be a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.

3. Opposer objects to each and every document request insofar as and to the extent it seeks divulgence of trade secrets, confidential or proprietary information of any third-party, such information will not be disclosed. To the extent each and every request seeks divulgence of such information of Opposer, such information will be disclosed subject to an appropriate protective order, signed by the parties and their counsel, and ordered by the Trademark Trial & Appeal Board.

4. Opposer objects to each and every document request to the extent it seeks disclosure of information relating to or revealing proprietary development and marketing activities for products not yet manufactured or not yet on sale or otherwise employed. The slight relevance, if any, of such highly confidential trade secret information is vastly outweighed by the severe prejudice that would result to Opposer were it to be disclosed or available to competitors of Opposer. Opposer will not provide such information.

5. Opposer objects to each and every document request to the extent it calls for information neither relevant to the subject matter of this Action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to Applicant's definitions in their entirety to the extent same seeks to impose obligations on Opposer beyond those permitted by the Federal Rules of Civil Procedure or the Local Rules applicable to this matter.

7. Opposer objects to each and every document request to the extent it calls for information that exceeds a reasonable durational scope.

8. Opposer objects to each and every document request to the extent it calls for information not yet available as these responses are made during the discovery process. Opposer reserves the right to supplement responses when the information becomes available.

9. Opposer objects to each and every document request to the extent it is overly broad, vague and ambiguous, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.
10. Opposer objects to each and every document request to the extent it is duplicative.
11. Opposer objects to each and every document request to the extent that it is not limited in geographic scope to the United States.

**OPPOSER'S RESPONSE TO APPLICANT'S REQUEST FOR  
PRODUCTION OF DOCUMENTS AND THINGS**

**DOCUMENT REQUEST NO. 1:** Representative specimens of product marketed in the United States under the marks upon which the Opposition is based and representative samples of the current and proposed advertising and promotional documents relating to said products.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Document Request as compound. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request to the extent that it is not reasonably limited in durational scope. Opposer objects to this Document Request to the extent it seeks disclosure of information relating to or revealing proprietary development and marketing activities for products not yet manufactured or not yet on sale or otherwise employed. Notwithstanding and without waiving the foregoing objections, and

limiting its response to a reasonable durational scope, Opposer will make a representative sampling of responsive documents available.

**DOCUMENT REQUEST NO. 2:** Any and all documents and things identifying the nature of target customers in the United States for products bearing the marks upon which the Opposition is based.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request to the extent it seeks production of documents relating to or revealing proprietary development and marketing activities for products not yet manufactured or not yet on sale or otherwise employed. Opposer objects to this Document Request to the extent that it is not reasonably limited in durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational scope, Opposer will make a representative sampling of responsive documents available.

**DOCUMENT REQUEST NO. 3:** Any and all surveys, market research tests, demographic or consumer profile studies, and focus group inquiries conducted by or on behalf of Opposer, or any related company or predecessor dating prior to 1925 regarding the ultimate purchasers or potential ultimate purchasers of Applicant's Products actually or intended to be sold, offered for sale, advertised or promoted in the United States in connection with the marks upon which the Opposition is based including the results thereof.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request as not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Document Request to the extent that it is not reasonably limited in durational scope. Opposer objects to this Document Request to the extent it seeks production of documents relating to or revealing proprietary development and marketing activities for products not yet manufactured or not yet on sale or otherwise employed. Opposer objects to this Document Request to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such documents.

Notwithstanding and without waiving the foregoing objections, and limiting this Document Request to a reasonable durational scope, Opposer responds that it has no such documents presently within its custody or control.

**DOCUMENT REQUEST NO. 4:** Any and all other market studies or plans prepared by or on behalf of oppose, or any related company or predecessor dating prior to 1925 relating to any market within the United States.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request as not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Document Request to the extent that it is not reasonably limited in durational scope. Opposer objects to this Document Request to the extent it seeks

production of documents relating to or revealing proprietary development and marketing activities for products not yet manufactured or not yet on sale or otherwise employed. Opposer objects to this Document Request to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such documents.

Notwithstanding and without waiving the foregoing objections, and limiting this Document Request to a reasonable durational scope, Opposer will make a representative sampling of responsive documents available.

**DOCUMENT REQUEST NO. 5:** Any and all surveys, market research tests, demographic or consumer profile studies, and focus group inquiries conducted by or on behalf of Opposer, or any related company or predecessor since 2005 regarding the ultimate purchasers or potential ultimate purchasers of Applicant's Products actually or intended to be sold, offered for sale, advertised or promoted in the United States in connection with the marks upon which the Opposition is based including the results thereof.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request as not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Document Request to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such documents.

Notwithstanding and without waiving the foregoing objections, Opposer responds that it is not presently aware of any responsive documents within its possession, custody or control.

**DOCUMENT REQUEST NO. 6:** Any and all other market studies or plans prepared by or on behalf of Opposer since 2005 relating to any market within the United States.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request as not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Document Request to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such documents.

Notwithstanding and without waiving the foregoing objections, Opposer responds that it is not presently aware of any responsive documents within its possession, custody or control.

**DOCUMENT REQUEST NO. 7:** Representative documents and things reflecting the channels of trade in the United States for products bearing the marks upon which the Opposition is based.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request to the extent that it is not reasonably limited in durational scope.

Notwithstanding and without waiving the foregoing objections, and limiting this Document Request to a reasonable durational scope, Opposer will make a representative sampling of responsive documents available.

**DOCUMENT REQUEST NO. 8:** Any and all documents and things which support any contention that products bearing any insignia of Applicant are distributed in any of the same distribution channels in which Opposer's products are distributed.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects to this Document Request as it seeks information outside its firsthand knowledge. Opposer further objects to this Document Request to the extent that it seeks the production of documents and things within Applicant's knowledge, possession and/or control and therefore accessible to Applicant at its own cost. Opposer objects that this Document Request is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this Document Request is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding.

Opposer also objects as to relevance, as where goods are similar and lack restrictions on identifications relating to trade channels and purchasers, the class of purchasers and channels of trade are presumed to be the same.

**DOCUMENT REQUEST NO. 9:** Any and all documents and things which support any contention any relevant consumer has been confused, mistaken, or deceived into suspecting that



any product bearing Applicant's Crest, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein.

Opposer objects to this Document Request as overly broad and unduly burdensome. Opposer objects that this Document Request is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this Document Request is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding.

Notwithstanding and without waiving the foregoing objections, Opposer responds that it is not presently aware of any responsive documents within its possession, custody or control.

**DOCUMENT REQUEST NO. 10:** Any and all documents and things which support any contention target consumers for Opposer's products associate product bearing Applicant's Crest with Opposer.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein.

Opposer objects to this Document Request as overly broad and unduly burdensome. Opposer also objects to this Document Request as duplicative of Document Request No. 10. Opposer objects that this Document Request is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects

that this Document Request is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding.

Notwithstanding and without waiving the foregoing objections, Opposer responds that it is not presently aware of any responsive documents within its possession, custody or control.

**DOCUMENT REQUEST NO. 11:** Any and all documents and things supporting any contention the marks upon which the Opposition is based were the subject of substantial, widespread public recognition in the United States prior to 1925.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request as not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to that this Document Request seeks production of documents not relevant to any outstanding issues in these consolidated Opposition proceedings. Opposer objects to that this Document Request to the extent that it is not reasonably limited in durational scope.

Notwithstanding and without waiving the foregoing objections, and limiting this Document Request to a reasonable durational scope, Opposer will make a representative sampling of responsive documents available.

**DOCUMENT REQUEST NO. 12:** Representative documents reflecting the extent of sales in the United States prior to 1925 of product under the marks upon which the Opposition is based.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request as not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to that this Document Request seeks production of documents not relevant to any outstanding issues in these consolidated Opposition proceedings. Opposer objects to that this Document Request to the extent that it is not reasonably limited in durational scope. Opposer objects to this Document Request to the extent that it is duplicative of Document Request No. 11.

Notwithstanding and without waiving the foregoing objections, and limiting this Document Request to a reasonable durational scope, Opposer will make a representative sampling of responsive documents available.

**DOCUMENT REQUEST NO. 13:** Representative documents reflecting the extent of any advertising or marketing in the United States prior to 1925 of product under the marks upon which the Opposition is based.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request as not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to that this Document Request seeks production of documents not relevant to any outstanding issues in these consolidated Opposition proceedings. Opposer objects to that this Document Request to the extent that it is not reasonably limited in durational

scope. Opposer objects to this Document Request to the extent that it is duplicative of Document Request No. 11.

Notwithstanding and without waiving the foregoing objections, and limiting this Document Request to a reasonable durational scope, Opposer will make a representative sampling of responsive documents available.

**DOCUMENT REQUEST NO. 14:** Any and all documents or things reflecting any media attention received in the United States prior to 1925 relating to any product marketed under the marks upon which this Opposition is based.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request as not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to that this Document Request seeks production of documents not relevant to any outstanding issues in these consolidated Opposition proceedings. Opposer objects to that this Document Request to the extent that it is not reasonably limited in durational scope. Opposer objects to this Document Request to the extent that it is duplicative of Document Request No. 11.

Notwithstanding and without waiving the foregoing objections, and limiting this Document Request to a reasonable durational scope, Opposer will make a representative sampling of responsive documents available.

**DOCUMENT REQUEST NO. 15:** Any and all documents and things which otherwise support any contention the marks upon which this Opposition is based were famous in the United States prior to 1925.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request as not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to that this Document Request seeks production of documents not relevant to any outstanding issues in these consolidated Opposition proceedings. Opposer objects to that this Document Request to the extent that it is not reasonably limited in durational scope. Opposer objects to this Document Request as duplicative of Document Request No. 11.

Notwithstanding and without waiving the foregoing objections, and limiting this Document Request to a reasonable durational scope, Opposer will make a representative sampling of responsive documents available.

**DOCUMENT REQUEST NO. 16:** Any and all documents and things regarding any investigation conducted by or on behalf of Opposer relating to this Opposition.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request as not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Document Request to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other

applicable privilege or immunity, and will not produce such documents. Opposer objects that this Document Request is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this Document Request is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding.

Notwithstanding and without waiving the foregoing objections, Opposer responds that it is not presently aware of any responsive documents within its possession, custody or control.

**DOCUMENT REQUEST NO. 17:** Any witness statements obtained by or on behalf of Opposer relating to this opposition and any and all other documents and things relating to said statements.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer further objects that this Document Request is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings and will supplement its document production with responsive documents accordingly.

**DOCUMENT REQUEST NO. 18:** Any and all other documents and things within Opposer's possession or control relating to Applicant.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Document Request as overly broad and unduly burdensome. Opposer objects to

this Document Request as not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Document Request to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such documents. Opposer objects that this Document Request is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this Document Request is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding.

**DOCUMENT REQUEST NO. 19:** For each expert Opposer intends to call to provide testimony in this proceeding, produce:

- a) any written report provided by said expert relating to the subject matter of this proceeding;
- b) a complete written statement of all opinions to be expressed by the expert in this proceeding, and basis and reason therefor;
- c) all documents reflecting the data or other information considered by the expert in forming his/her opinions;
- d) all exhibits to be used by the expert as a summary of or support for his/her opinions;
- e) those documents stating the qualifications of the expert, such as would be reflected in a resume, curriculum vitae, biography, summary or otherwise;
- f) a written list of all publications authored by the witness within the last ten years;

- g) documents reflecting the compensation to be paid for the expert's preparation time and time taken to provide testimony; and
- h) a written list of any other cases in which the witness has testified as an expert at trial, in an administrative proceeding or by deposition within the past four years.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer further objects that this Document Request is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings and will supplement its document production with responsive documents accordingly.

**DOCUMENT REQUEST NO. 20:** Any and all documents and things referred to by Opposer in responding to the Interrogatories served with these requests, as well as any and all documents and things, the identification of which is requested in the Interrogatories.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Notwithstanding and without waiving the foregoing objections, Opposer will make responsive documents available.

**DOCUMENT REQUEST NO. 21:** Any and all documents and things forming the basis for Opposer's denial, in whole or in part, of any of the Requests for Admissions propounded with these Requests.

**ANSWER:**



Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer further incorporates Opposer's specific objections to each and every Request for Admission as asserted in Opposer's Responses to Applicant's First Request for Admissions as if fully stated herein.

Notwithstanding and without waiving the foregoing objections, Opposer responds that it will make responsive documents available.

Respectfully Submitted,

By: 

Jess M. Collen  
Thomas P. Gulick  
Oren Gelber  
COLLEN IP  
THE HOLYOKE-MANHATTAN BUILDING  
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*Counsel for Opposer Omega SA (Omega AG)*  
*(Omega Ltd.)*

Date: April 4, 2013

**CERTIFICATE OF SERVICE**

I, Edith Garvey, hereby certify that I caused a true and correct copy of Opposer's Responses to Applicant's Request for Admissions, Interrogatories and Requests for Production of Documents and Things to be served upon the following, via first class mail, postage prepaid this 4<sup>th</sup> Day of April, 2013.

Stites & Harbison PLLC  
400 W Market Street, Suite 1800  
Louisville, KY 40202-3352  
Attn: Jack A. Wheat

Edith Garvey

# EXHIBIT 4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: ALPHA PHI OMEGA and design  
Opp. No.: 91197504 (Parent)  
Serial No.: 77950436

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: AΦΩ  
Opp. No.: 91197505 (Child)  
Serial No.: 77905236

**OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S  
FIRST REQUEST FOR ADMISSIONS**

Opposer Omega SA (Omega AG) (Omega Ltd.) (hereafter, "Opposer"), hereby serves its responses and objections to Applicant's Request for Admissions pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure.

### **PREAMBLE:**

Opposer, with Applicant's consent, moved to consolidate Opposition Nos. 91197504 and 91197505 on February 19, 2013. On February 28, 2013, while the Motion to Consolidate Related Proceedings was pending with the Trademark Trial and Appeal Board, Applicant served Opposer with two sets of discovery requests, one under the caption for Opposition No. 91197504 and the other under the caption for Opposition No. 91197505. On March 18, 2013, the Trademark Trial and Appeal Board consolidated Opposition Nos. 91197504 and 91197505.

In light of the fact that the majority of Applicant's discovery requests in Opposition No. 91197504 are identical to Applicant's discovery requests in Opposition No. 91197505, and in accordance with email correspondence between Opposer's counsel and Applicant's counsel on March 27, 2013, Applicant has agreed to accept one set of responses to both sets of Applicant's discovery requests. Where the wording of the discovery requests vary slightly given the reference to one specific mark of the two marks being opposed, Opposer has reproduced both sets of requests but has provided only one response addressing both requests.

### **GENERAL OBJECTIONS**

1. Opposer objects to each and every request in their entirety on the ground that Opposer is responding on the basis of its current knowledge and information. Opposer reserves the right to supplement each response to these interrogatories.
2. Opposer objects to each and every request insofar as and to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such information. Any inadvertent

disclosure of such information shall not be a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.

3. Opposer objects to each and every request insofar as and to the extent it seeks divulgence of trade secrets, confidential or proprietary information of any third-party, such information will not be disclosed. To the extent each and every request seeks divulgence of such information of Opposer, such information will be disclosed subject to an appropriate protective order, signed by the parties and their counsel, and ordered by the Trademark Trial & Appeal Board.

4. Opposer objects to each and every request to the extent it seeks disclosure of information relating to or revealing proprietary development and marketing activities for products not yet manufactured or not yet on sale or otherwise employed. The slight relevance, if any, of such highly confidential trade secret information is vastly outweighed by the severe prejudice that would result to Opposer were it to be disclosed or available to competitors of Opposer. Opposer will not provide such information.

5. Opposer objects to each and every request to the extent it calls for information neither relevant to the subject matter of this Action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to Applicant's definitions in their entirety to the extent same seeks to impose obligations on Opposer beyond those permitted by the Federal Rules of Civil Procedure or the Local Rules applicable to this matter.

7. Opposer objects to each and every request to the extent it calls for information that exceeds a reasonable durational scope.

8. Opposer objects to each and every request to the extent it calls for information not yet available as these responses are made during the discovery process. Opposer reserves the right to supplement responses when the information becomes available.
9. Opposer objects to each and every request to the extent it is overly broad, vague and ambiguous, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.
10. Opposer objects to each and every request to the extent it is duplicative.
11. Opposer objects to each and every request to the extent that it is not limited in geographic scope to the United States.

#### **OPPOSER'S SPECIFIC OBJECTIONS AND RESPONSES**

**REQUEST NO. 1:** Admit that the word "Omega" is used as part of the name of various Greek letter social, professional, or honorary fraternities or sororities.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Notwithstanding and without waiving the foregoing objections, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 2:** Admit that the symbol,  $\Omega$ , is the Greek Alphabet letter referred to as “Omega.”

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Notwithstanding and without waiving the foregoing objections, Opposer admits that when spoken, the Greek Symbol,  $\Omega$ , is pronounced “omega”.

**REQUEST NO. 3:** Admit that Opposer has no evidentiary basis to dispute that the word “Omega” has been continuously used in the United States as part of the name of various Greek letter social, professional, or honorary fraternities or sororities since prior to the introduction into the United State by or on behalf of Opposer or Opposers predecessor(s) in interest of any product bearing any of the marks upon which the Opposition is based.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings, overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.



**REQUEST NO. 4:** Admit that Opposer has no evidentiary basis to dispute that the Greek Alphabet letter,  $\Omega$ , has been continuously used in the United States as part of the Greek letter designation of Greek letter social, professional, or honorary fraternities or sororities since prior to the introduction into the United States by or on behalf of Opposer or Opposer's predecessor(s) in interest of any product bearing any of the marks upon which the Opposition is based.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings, overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 5:** Admit that Opposer's products are marketed to the public in general and are not directed specifically to the Greek Affinity Products Market.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings, overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer also objects that this

Request is not limited to a reasonable durational or geographic scope. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational and geographic scope, Opposer denies.

**REQUEST NO. 6:** Admit that Opposer has no evidentiary basis to support any contention that products bearing any insignia of Applicant are distributed in any of the same distribution channels in which Opposer's products are distributed.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer also objects to this Request as it requires Opposer to make an admission based upon information that is within Applicant's knowledge, possession and/or control. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Opposer therefore denies same.

**REQUEST NO. 7:** Admit that Opposer has no evidentiary basis to dispute that products bearing the opposed mark are primarily and predominantly marketed only to members of the Alpha Phi Omega National Service Fraternity, or to persons wishing to acquire the products as gifts for members of the Alpha Phi Omega National Service Fraternity.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer also objects to this Request as it requires Opposer to make an admission based upon information that is within Applicant's knowledge, possession and/or control. Opposer has not yet received Applicant's discovery responses, and therefore cannot provide a complete response to this Request. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Opposer therefore denies same.

**REQUEST NO. 8:** Admit that Opposer has no evidentiary basis to dispute that the commercial impression generated by the use of Applicant's Greek letter indicia, ΛΦΩ, in relation to clothing or related products in the market in which those products pass is recognition of the mark by the target consumers as a reference to the Alpha Phi Omega National Service Fraternity.

Admit that Opposer has no evidentiary basis to dispute that the commercial impression generated by the use of Applicant's Crest on products in the market in which those products pass is recognition of the mark by the target consumers as a reference to the Alpha Phi Omega National Service Fraternity.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer also objects to this Request as it requires

Opposer to make an admission based upon information that is within Applicant's knowledge, possession and/or control. Opposer has not yet received Applicant's discovery responses, and therefore cannot provide a complete response to this Request. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 9:** Admit that Opposer has no evidentiary basis to support any contention any relevant consumer has been confused, mistaken, or deceived into suspecting that any clothing or related products marketed under Applicant's Greek indicia, ΛΦΩ, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

Admit that Opposer has no evidentiary basis to support any contention any relevant consumer has been confused, mistaken, or deceived into suspecting that any product bearing Applicant's Crest, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Request as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to the phrase "relevant consumer" as irrelevant, vague and ambiguous. Opposer objects that this Request is

not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this Request is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer denies.

**REQUEST NO. 10:** Admit that Opposer has no evidentiary basis to support any contention any appreciable amount of relevant consumers have been confused, mistaken, or deceived into suspecting that any clothing or related products marketed under Applicant's Greek letter indicia,  $\Lambda\Phi\Omega$ , was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

Admit that Opposer has no evidentiary basis to support any contention any appreciable amount of relevant consumers have been confused, mistaken, or deceived into suspecting that any product bearing Applicant's Crest, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Request as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to the phrase "appreciable amount of relevant consumers" as vague and ambiguous. Opposer further objects that this Request is duplicative of Request No. 9. Opposer objects that this Request is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at

least as early as 1894. Opposer further objects that this Document Request is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer denies.

**REQUEST NO. 11:** Admit that Opposer has no evidentiary basis to support any contention that target consumers for clothing or related products marketed under Applicant's Greek Letter indicia, ΛΦΩ, associate those products with Opposer.

Admit that Opposer has no evidentiary basis to support any contention that target consumers for Opposer's products associate any product bearing Applicant's Crest with Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Request as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this Request is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this Request is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Opposer also objects to this Request as it requires Opposer to make an admission based upon information that is within Applicant's knowledge, possession and/or control. Opposer objects that this Request seeks to

impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer denies.

**REQUEST NO. 12:** Admit that Opposer has no evidentiary basis to dispute that various Greek letter social, professional, or honorary fraternities or sororities with the word “Omega” in their name regularly market and/or approve others to market on their behalf affinity products, including jewelry and watches, bearing insignia containing the word “Omega” or the Greek Alphabet letter Ω in the Greek Affinity Products Market.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational and geographic scope, Opposer denies.

**REQUEST NO. 13:** Admit that Opposer does not advertise or market products bearing the marks upon which this Opposition is based in the Greek Affinity Products Market.

**ANSWER:**

- Opposer hereby incorporates by reference all of its General Objections. Opposer objects to this Request as overly broad, ambiguous and vague. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer also objects that this Request is not limited to a reasonable geographic or durational scope. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational and geographic scope, and reading the phrase “the marks upon which this Opposition” to refer to Opposer’s Marks as defined in the Notices of Opposition, Opposer responds that it does not specifically advertise or market its Class 14 and 25 goods to members of fraternities or sororities or their family members.

**REQUEST NO. 14:** Admit that Opposer has no evidentiary basis to dispute that that various Greek letter social, professional, or honorary fraternities or sororities with the word “Omega” in their name have continuously marketed and/or approved others to market on their behalf products bearing insignia containing the word “Omega” or the Greek Alphabet letter, Ω, dating back prior to the introduction into the United States by or on behalf of Opposer or Opposer’s predecessor(s) in interest of any product bearing any of the marks upon which the Opposition is based.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings, and not reasonably calculated to lead to the



discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this Request to Admit and therefore denies same.

**REQUEST NO. 15:** Admit that Opposer has no evidentiary basis to dispute that the Applicant has utilized the Greek letter indicia,  $\Lambda\Phi\Omega$ , in the United States on jewelry continuously since at least 1925.

Admit that Opposer has no evidentiary basis to dispute that the Applicant has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1925.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Request as vague, overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer also objects to this Request as it requires Opposer to make an admission based upon information that is within Applicant's knowledge, possession and/or control. Opposer also objects that this Request is not limited to a reasonable durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its Response to a reasonable durational scope, Opposer denies.

**REQUEST NO. 16:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Tau Omega Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1865.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 17:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Chi Omega Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1885.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational

scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 18:** Admit that Opposer has no evidentiary basis to dispute that the Chi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely Ω, in the United States on jewelry continuously since at least 1895.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 19:** Admit that Opposer has no evidentiary basis to dispute that the Omega Psi Phi Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely Ω, in the United States on jewelry continuously since at least 1911.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly

broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 20:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Gamma Omega Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1927.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 21:** Admit that Opposer has no evidentiary basis to dispute that the Omega Chi Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1934.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks

information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 22:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Phi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1949.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 23:** Admit that Opposer has no evidentiary basis to dispute that the Kappa Omega Tau Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1960.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 24:** Admit that Opposer has no evidentiary basis to dispute that the Gamma Epsilon Omega Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1963.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 25:** Admit that Opposer has no evidentiary basis to dispute that the Beta Omega Phi Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1965.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 26:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Phi Omega Society has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1980.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational

scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 27:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Omega Epsilon Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1983.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies..

**REQUEST NO. 28:** Admit that Opposer has no evidentiary basis to dispute that the Omega Delta Phi Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1987.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks



information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 29:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Nu Omega Fraternity and Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1988.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 30:** Admit that Opposer has no evidentiary basis to dispute that the Lambda Tau Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1988.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 31:** Admit that Opposer has no evidentiary basis to dispute that the Omega Chi Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1988.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 32:** Admit that Opposer has no evidentiary basis to dispute that the Gamma Omega Delta Fraternity has utilized insignia containing the word Omega or the Greek Alphabet

symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1989.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 33:** Admit that Opposer has no evidentiary basis to dispute that the Omega Phi Beta Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the Greek letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1989.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 34:** Admit that Opposer has no evidentiary basis to dispute that the Gamma Phi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1991.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 35:** Admit that Opposer has no evidentiary basis to dispute that the Gamma Phi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1991.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer specifically objects that this Request is duplicative of Request No. 34. Opposer incorporates its general and specific objections and its response to Request No. 34 as if fully restated herein.

**REQUEST NO. 36:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Omega Epsilon Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1988.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 37:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Pi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1994.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational

scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 38:** Admit that Opposer has no evidentiary basis to dispute that the Omega Phi Gamma Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1995.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 39:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Omega Nu Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1996.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks

information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 40:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Sigma Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1997.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 41:** Admit that Opposer has no evidentiary basis to dispute that the Delta Phi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1998.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 42:** Admit that Opposer has no evidentiary basis to dispute that the Delta Pi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 2004.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 43:** Admit that Opposer has no evidentiary basis to dispute that the Omega Chi Psi Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 2005.

**ANSWER:**



Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**REQUEST NO. 44:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Kappa Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 2006.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies

**REQUEST NO. 45:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Omega Phi Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 2008.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies

**REQUEST NO. 46:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Omega Sigma Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 2010.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies

**REQUEST NO. 47:** Admit that Opposer has no evidentiary basis to support any contention the marks upon which the Opposition is based were the subject of substantial, widespread, public recognition in the United States prior to 1925.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer objects to this Request as overly broad, ambiguous and vague. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer also objects that this Request is not limited to a reasonable geographic or durational scope. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational and geographic scope, and reading the phrase “the marks upon which this Opposition” to refer to Opposer’s Marks as defined in the notice of opposition, Opposer denies this Request.

**REQUEST NO. 48:** Admit that Opposer has no evidentiary basis to support any contention Applicant is attempting to trade on Opposer’s reputation or is otherwise attempting to create any consumer association between products bearing any insignia of the Applicant and products marketed under the marks upon which the Opposition is based.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer objects to this Request as overly broad, ambiguous and vague. Opposer further objects to this Request is not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer also objects that this Request is not limited to a reasonable geographic or durational scope. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an

obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures.

Therefore, Opposer denies.

Respectfully Submitted,

By: Thomas P. Gulick

Jess M. Collen  
Thomas P. Gulick  
Oren Gelber  
COLLEN IP  
THE HOLYOKE-MANHATTAN BUILDING  
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Ossining, NY 10562  
(914) 941-5668 Tel.  
(914) 941-6091 Fax  
*Counsel for Opposer Omega SA (Omega AG)*  
*(Omega Ltd.)*

Date: April 4, 2013

**CERTIFICATE OF SERVICE**

I, Edith Garvey, hereby certify that I caused a true and correct copy of Opposer's Responses to Applicant's Request for Admissions, Interrogatories and Requests for Production of Documents and Things to be served upon the following, via first class mail, postage prepaid this 4<sup>th</sup> Day of April, 2013.

Stites & Harbison PLLC  
400 W Market Street, Suite 1800  
Louisville, KY 40202-3352  
Attn: Jack A. Wheat

Edith Garvey

# EXHIBIT 5

400 West Market Street  
Suite 1800  
Louisville, KY 40202-3352  
(502) 587-3400  
(502) 587-6391 FAX  
www.stites.com

April 17, 2013

**VIA E-MAIL TGULICK@COLLENIP.COM**

Jack A. Wheat  
(502) 681-0323  
(502) 779-8273 FAX  
jwheat@stites.com

Thomas P. Gulick  
COLLEN IP  
The Holyoke-Manhattan Building  
80 South Highland Avenue  
Ossining-On-Hudson, New York 10562

RE: Omega S.A. v. Alpha Phi Omega

Dear Mr. Gulick:

We have concerns about the deposition notice you have served in this matter, and as required by the procedures of the Trademark Trial & Appeal Board (the "TTAB") are bringing these concerns to your attention hoping we can resolve same without needing to bring these concerns to the attention of the TTAB.

First and foremost, we wonder if any deposition is actually even necessary. These Opposition proceedings have been malingering entirely too long, since the Fall of 2010. Nearly two years ago, by letter dated May 5, 2011, we explained why we believed the Oppositions were totally unnecessary. See attached. Omega S.A. is a consumer watch company whereas Alpha Phi Omega is a collegiate fraternity that has been utilizing its insignia on assorted affinity merchandise worn or displayed by its members dating back to the 1920s. Notwithstanding nearly 90 years of coexistence, no one is aware of there ever being any instance of confusion, which is not at all surprising considering that the Greek alphabet letter Omega, Ω, is regularly used by numerous fraternities and sororities on affinity merchandise marketed to members of the respective fraternities and sororities.

Notwithstanding, in that letter, Alpha Phi Omega offered to commit to continue directing its marketing efforts solely towards the Greek affinity merchandise market. Over a year ago, on February 14, 2012, we reiterated that proposal. Also attached.

Last Fall, you requested proof Alpha Phi Omega's use of its mark dated back to the 1920s, and we provided such proof. We have not been informed that your client was unsatisfied with the proof we forwarded and does not believe that Alpha Phi Omega has been in existence since the 1920s and has been utilizing its marks on merchandise since the 1920s. We did receive an email from your Associate, Ms. Gelber, dated February 7, in which she stated your "client remains interested in pursuing an amicable settlement." If so, why are we still awaiting a

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definitive response to our two year old proposal and reaction to the proof of use from the 1920s which we provided last Fall?

If your client nonetheless wishes to further string along this dispute, perhaps we should move the dispute from the TTAB to a court, either you may do so to test your infringement and dilution claims, or if necessary, we may do so through a Declaratory Judgment action. The benefit of course would be the vindication the prevailing party could receive through the assessment of an attorneys fee award against the party relying on frivolous claims or defenses.

In the meantime though, and if your client persists in wishing to go forward with litigation in the TTAB, we need to deal with the deposition notice. Three concerns need to be addressed, (1) the date which was set without first being cleared, (2) the noticed location for the deposition, and (3) the overreaching scope of the noticed categories.

**DATE:** If you are planning to attend the annual meeting of the International Trademark Association, as I do, the noticed date is not workable. If you intend to go forward with a deposition, we would appreciate it you would, pursuant to TBMP §404.05, please suggest some other dates, and we will respond as quickly as possible.

**LOCALE:** As for the noticed locale, please note the witness to be deposed is a domiciliary of the Independence, Missouri locale. Thus, pursuant to TBMP §§404.03(a) and 404.03(a)(2), the deposition needs to be noticed for the Independence, Missouri area, not New York. We do not believe it will be possible to secure the attendance of Alpha Phi Omega's Designee in New York. *See* TBMP § 404.03(a)(2).

**SUBJECT MATTER:** The essential issues in the consolidated Oppositions are whether *Opposer's* marks were famous in the United States prior to 1925 and whether the marks sought to be registered are likely to cause confusion with Opposer's marks. The noticed categories appear considerably broader than what is at all necessary to address these issues. Indeed, many of the categories seem to go to (1) the question of how widespread the Alpha Phi Omega marks have been used, (2) the question of whether secondary meaning inures to Alpha Phi Omega's marks even though the marks are not at all descriptive, and (3) the question of whether the Alpha Phi Omega marks are famous, which is not at all in issue; it is Omega that has brought a dilution claim, not Alpha Phi Omega. For these reasons, categories no. 1, 5, 10, 11, 12, 13, 15, 16, 17 and 19 appear overbroad, and neither relevant, nor reasonably calculated to lead to the discover of any relevant information.

Further, because Alpha Phi Omega has continuously been using its marks since the 1920s, it is overreaching and burdensome to expect it to be able to produce a Designee completely knowledgeable about its nearly 90 years of history. For this reason, categories no. 1, 4, 5, 10, 11, 15 are objectionable.



Thomas P. Gulick

April 17, 2013

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Additionally, some categories seem unnecessarily invasive, or at least a bit ambiguous and thus at risk for a construction covering unnecessarily invasive or burdensome information not suitable for handling in a deposition. For these reasons, categories no. 5, 6, 7, 8, 9, 10, 11, 12, 13, 15 and 16 need to be discussed. Some are objectionable on their face, but some might be suitable to an agreeable scope.

I am hopeful you and I can work through these concerns without the need to bring our objections to the attention of the TTAB. Accordingly, as soon as possible, please get back to me (1) confirming whether the deposition will be re-noticed for Missouri and (2) to suggest other dates.

Also, if you attend to go forward with each of the objectionable categories, please advise when you are available in the next few days to discuss same so we can work through our concerns.

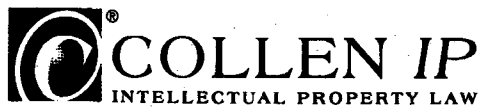
Very truly yours,

/s/Jack A. Wheat

JAW

cc: at

# EXHIBIT 6



Telephone (914) 941-5668

Facsimile (914) 941-6091

[www.collnip.com](http://www.collnip.com)

Email: [tgulick@collnip.com](mailto:tgulick@collnip.com)

April 30, 2013

**BY FIRST CLASS MAIL**

**CONFIRMATION BY EMAIL: JWHEAT@STITES.COM**

Stites & Harbison PLLC

400 W Market Street, Suite 1800

Louisville, KY 40202-3352

Attention: Jack A. Wheat, Esq.

RE: U.S. Trademark Oppositions 91197505; 91197504  
*Omega SA (Omega AG) (Omega Ltd.) v. Alpha Phi Omega*  
Adverse Applicant : Alpha Phi Omega  
Adverse Marks : ΑΦΩ; ALPHA PHI OMEGA & design  
Adverse Serial Nos.: 77/905,236; 77/950,436  
Our Refs. : K654; K655

Dear Mr. Wheat:

We have considered your objections to Opposer's Notice of Rule 30(b)(6) Upon Oral Exam dated April 17, 2013.

You raise numerous issues in your letter, which we will attempt to address one at a time.

With regard to settlement, we note your comments directed toward Alpha Phi Omega's frustration concerning settlement. Please understand that Omega's legal department in Switzerland addresses multiple and varying legal issues on a worldwide basis. Sometimes, this takes time. We can only express to you that our client remains interested in finding an amicable resolution to this matter and ask for your continued patience.

Although Omega seeks a settlement of this matter, given the Board's January 24, 2013 Order and in order to preserve Opposer's rights in this Opposition, we must press forward with discovery and this includes taking Alpha Phi Omega's deposition.

As to the Notice of Deposition, we would be happy to select a different date. Please provide us with alternate dates which account for your client's availability and your schedule so that we may accommodate all parties' schedules.



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ENVIRONMENTALLY SOUND LEGAL PRACTICE

COLLEN IP Intellectual Property Law, P.C., THE HOLYOKE-MANHATTAN BUILDING,  
80 South Highland Avenue, Ossining-on-Hudson, Westchester County, New York 10562 USA

With regard to location, we note that the notice of deposition states that the deposition is to be taken "at the offices of Collen IP, 80 South Highland Avenue, Ossining, NY 10562, or another mutually convenient location." (Emphasis added). Accordingly, the Notice of Deposition provides for alternate locations and we will travel to a mutually convenient location if needed in order to take the deposition. Once we agree upon a new date and venue, we will be happy to issue an Amended Notice of Deposition.

As for the topics for examination, we believe they are relevant and applicable to this matter. As you know, Fed. R. Civ. P. 26(b)(1) provides that permissible discovery must merely appear to be reasonably calculated to lead to the discovery of admissible evidence. We believe that the noticed deposition topics comply with Rule 26 in seeking testimony and discovery relevant to outstanding claims and defenses in this action.

Topic 1 and 15-17 seeks testimony about the breadth of Applicant's goods under the opposed marks and plans concerning same, as well as Applicant's licensing activities with regard to Applicant's Marks and Applicant's other OMEGA and  $\Omega$  marks. This is relevant to DuPont factors 2 through 4, and 8.

Topic 5 seeks testimony concerning Applicant's advertising, marketing, manufacturing and product development activities and plans for Applicant's Marks in the United States. This topic is relevant to DuPont factors 2 through 4, and 9.

Topics 10 through 13 request testimony related to Applicant's expenditure on Applicant's Marks, Applicant's U.S. sales under the opposed Marks for the past 5 years in U.S. dollars and in units and the manner in which Applicant distributes products bearing its Marks in the U.S. Topic 19 ask that you produce a witness knowledgeable concerning the fame and good will of Applicant's Marks. Opposer maintains that these topics are relevant to DuPont factors 2-4, 7, 8 and 12.

Topic 4 addresses continuous use and possible periods of non-use of Applicant's Marks. Applicant claims the parties have coexisted since 1920s and thus Opposer believes that it is entitled to seek testimony on this issue. Given that our client's mark has been in use for over 100 years, we are certainly sensitive to your concerns. However, we do not believe that this topic is overly burdensome, as we are certain that someone within Applicant's organization has some knowledge concerning Applicant's use of the opposed marks based upon documents and other references.

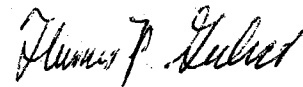
Notwithstanding, we would be willing to discuss limitations of scope to this topic, as well as Topics 1, 5, 10, 11 and 15. We are further amenable to

Mr. Wheat  
April 30, 2013  
Page 3 of 3

discussions of limitations with regard to Topics 6-13, 15 and 16. Please advise as to your availability for such a conference.

We look forward to hearing from you.

Very truly yours,  
COLLEN /P

A handwritten signature in cursive script, appearing to read "Thomas P. Gulick".

Thomas P. Gulick

JMC/TPG:eg

p:\K\K6\K655\_Letter to Mr. Wheat re Discovery Deposition and Document Production\_130426.docx

# EXHIBIT 7

6/28/2013

---

**From:** JWheat@stites.com  
**To:** Thomas Gulick  
**Sent:** 5/10/2013 5:22PM  
**Subject:** RE: K655 ALPHA PHI OMEGA opp.

Tom, I'll give you a call about 3:30 Tuesday.

From: Thomas Gulick [mailto:tgulick@collenip.com]  
Sent: Thursday, May 09, 2013 11:53 AM  
To: Wheat, Jack  
Cc: Oren Gelber  
Subject: RE: K655 ALPHA PHI OMEGA opp.

Dear Mr. Wheat,

We can discuss the scope of the depositions next week on Tuesday, May 14 at 11 am or anytime in the afternoon. We can also discuss the time and locale of the deposition. Let me know what time works best for you on May 14.

Thanks,

Tom

Thomas Gulick

COLLEN IP

INTELLECTUAL PROPERTY LAW, P.C.

The Holyoke-Manhattan Building

80 South Highland Avenue | Ossining-on-Hudson, Westchester County, New York 10562 | U.S.A.

Tel: +1-914-941-5668 | Fax: +1-914-941-6091 | [www.collenip.com](http://www.collenip.com)

6/28/2013

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From: Wheat, Jack [mailto:[JWheat@stites.com](mailto:JWheat@stites.com)]  
Sent: Thursday, May 02, 2013 10:50 AM  
To: Thomas Gulick  
Subject: RE: K655 ALPHA PHI OMEGA opp.

Tom, I can be back in the office and prepared to discuss concerns about the intended scope of the deposition just after INTA, on Monday, May 13 at 11:00, or about any time that afternoon. If Monday does not work for you, I'm fairly free the rest of that week. Please let me know what works for you.

As for the time and locale of the deposition, we can make the Designee available in our office here in Louisville, no subpoena necessary, at 9:30 AM on Tuesday, Wednesday, Thursday or Friday, June 4, 5, 6, or 7. If none of those dates work for you, our Designee can likely be available at 9:30 AM on Wednesday or Thursday May 29 or 30. Please note the June days are preferable.

Do any of these dates work for you.

As for reporters, we can recommend some if you wish.



6/28/2013

Thanks.

Jack A. Wheat  
Member/Partner  
Direct: 502-681-0323  
Mobile: 502-599-9520  
Fax: 502-779-8273  
jwheat@stites.com

STITES&HARBISON PLLC  
400 West Market Street, Suite 1800, Louisville, KY 40202-3352  
About Stites & Harbison | Bio | V-Card

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From: Thomas Gulick [mailto:tgulick@collenip.com]  
Sent: Tuesday, April 30, 2013 7:31 PM  
To: Wheat, Jack  
Cc: Oren Gelber  
Subject: RE: K655 ALPHA PHI OMEGA opp.

Dear Jack,

Unfortunately, I will not be at INTA this year. As such a telephone discussion is in order. Please advise of your availability at the end of next week.

Thank you,

6/28/2013

Tom

From: Wheat, Jack [mailto:JWheat@stites.com]  
Sent: Tuesday, April 30, 2013 5:13 PM  
To: Thomas Gulick  
Subject: RE: K655 ALPHA PHI OMEGA opp.

Tom, Thanks for agreeing to reschedule the deposition. I have a call in to my client for some suggested dates and locales.

As for the "meet and confer" we need to hold relating to our objections to the scope, I'm about to be out of town for about a week to attend INTA. If you are also attending, we can try to schedule a face to face there if you would like, or we can schedule a time for a telephonic discussion after INTA. What's your preference?

Jack

From: Thomas Gulick [mailto:tgulick@collenip.com]  
Sent: Tuesday, April 30, 2013 4:56 PM  
To: Wheat, Jack  
Cc: Oren Gelber  
Subject: K655 ALPHA PHI OMEGA opp.

Dear Mr. Wheat,

Please find attached an update letter regarding the above referenced matter. Should you have any further questions, please contact me.

Thanks,

Tom

Thomas Gulick

COLLEN IP

INTELLECTUAL PROPERTY LAW, P.C.

The Holyoke-Manhattan Building

80 South Highland Avenue | Ossining-on-Hudson, Westchester County, New York 10562 | U.S.A.

Tel: +1-914-941-5668 | Fax: +1-914-941-6091 | [www.collenip.com](http://www.collenip.com)

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# EXHIBIT 8

K655

**STITES & HARBISON** PLLC  
ATTORNEYS

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(502) 587-3400  
(502) 587-6391 Fax  
www.stites.com

May 21, 2013

VIA E-MAIL TGULICK@COLLENIP.COM  
AND FIRST CLASS MAIL

Jack A. Wheat  
(502) 681-0323  
(502) 779-8273 FAX  
jwheat@stites.com

Thomas P. Gulick  
COLLEN IP  
The Holyoke-Manhattan Building  
80 South Highland Avenue  
Ossining-On-Hudson, New York 10562

RE CVD 6/3/13  
DKT 1  
DKT 2

RE: Omega S.A. v. Alpha Phi Omega

Dear Mr. Gulick:

Many thanks for the apparently productive "meet and confer" held last week relating to the scope of the upcoming 30(b)(6) deposition of Alpha Phi Omega. Although the earlier notice, as worded, generated considerable concern on our part about possible overbreadth of the categories, and the burden of producing adequately informed witnesses, the clarifications of scope you have offered have alleviated those concerns.

Of special concern to us, especially considering the nearly 90 years in which our client has used the Alpha Phi Omega marks, were the broadly worded categories specifying that the witness(es) should be prepared to testify about the "any and all uses" of the marks, as well as "any and all" aspects of assorted other categories.

Following our "meet and confer," it is my understanding your foci will not be so broad, you are not expecting a witness to comb through 90 years of records, are not expecting a witness to be specifically knowledgeable about the distant past, nor expecting interviews of headquarters officials, current or former officers of the fraternity, members, or licensees so as to be prepared to testify in *specific* detail, rather you are more interested in *general knowledge* of the witness associated with the categories of the earlier deposition notice.

For example, in relation to categories number 1 and 4, you are not expecting a witness to be in a position to identify each and every licensed product bearing the marks; you are not interested in each and every jewelry product, shirt, or cap design, rather your focus is on the *general* nature of products which have been available, or planned, in conjunction with the marks.

As for categories number 5 through 10, you are not expecting identification of specific distributors, retailers, customers, specific advertising media, and so forth, rather your concern is

AL169:00AL1:930164:1:LOUISVILLE

Alexandria, VA   Atlanta, GA   Frankfort, KY   Franklin, TN   Jeffersonville, IN   Lexington, KY   Louisville, KY   Nashville, TN

nm

Thomas P. Gulick  
May 21, 2013  
Page 2

the general channels of trade in which Alpha Phi Omega product is sold, as well as the types of advertising *in general* used in relation to the products.

You have agreed to limit category 11 to any advertising conducted *by Alpha Phi Omega* during the past five years, you are not expecting us to survey the licensees.

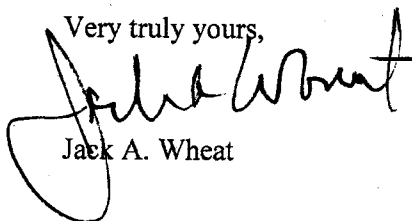
As for category 13, my understanding is you will not expect us to survey all of the licensees to obtain "*unit*" sales information, rather, you are more interested in any information our witness(es) might already be specifically aware of, and, as noted above, are actually more concerned about the *general* nature of products which have been available in recent years.

In relation to category 15, my understanding is that you do not expect testimony identifying all the licenses, rather your concern is with the general structure of the licensing arrangements now in place.

Based upon these understandings, it seems the deposition will not be as overbroad as the categories, as worded, seemed to indicate, and we should be able to provide you with a good deposition relating to the your foci as I understand them to be.

If you think there remains any misunderstanding, please give me a call so we can be sure we both have a clear understanding of what is expected.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jack A. Wheat", written over the typed name.

Jack A. Wheat

JAW:at

## EXHIBIT 9

K655

**STITES & HARBISON** PLLC  
ATTORNEYS

400 West Market Street  
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Louisville, KY 40202-3352  
(502) 587-3400  
(502) 587-6391 Fax  
www.stites.com

May 24, 2013

VIA E-MAIL TGULICK@COLLENIP.COM  
AND FIRST CLASS MAIL ✓

Jack A. Wheat  
(502) 681-0323  
(502) 779-8273 FAX  
jwheat@stites.com

Thomas P. Gulick  
COLLEN IP  
The Holyoke-Manhattan Building  
80 South Highland Avenue  
Ossining-On-Hudson, New York 10562

RE CVD 6/3/13  
DKT 1  
DKT 2

RE: Omega S.A. v. Alpha Phi Omega

Dear Mr. Gulick:

We have concerns about the deficiencies in Omega's responses to our discovery requests. The overriding foci of our discovery requests were (1) to put Omega to the test to prove whether it's OMEGA marks were adequately famous in the United States for dilution purposes prior to the founding of Alpha Phi Omega in 1925 and (2) to test whether Omega has *any* evidence to support any likelihood of confusion assertions. Omega's responses to the Interrogatories stated that *documents would be produced* providing the requested information, and the response to our Request for Production likewise informed us the requested documents would be produced. We have perused the nearly 2900 documents dumped on us and could locate nothing pertinent to the issue relating to whether the Omega marks were famous in the United States prior to 1925, nor anything supporting any likelihood of confusion assertions. Although we expected there would be no evidence supporting these claims, we remain concerned that the written responses said such evidence would be produced.

Likewise, we are quite concerned that Omega denied 46 of our 48 our Requests for Admission. It is disconcerting that Opposer would admit only that the Greek alphabet letter, Ω is pronounced "Omega" and that Omega Watches are not advertised in the fraternity and sorority affinity products market.

The 46 denials are pretty disturbing. Indeed you even denied Request Number 1 requesting an admission the word "Omega" is part of the name of various fraternities and sororities. We are quite surprised you would deny this Request in light of the various Oppositions you actually are currently handling against at least three fraternities and sororities with "Omega" in their name. Indeed, in our last conversation you even suggested the reason Omega would not accept and was not yet responding to our settlement proposal was because it

AL169:00AL1:927857:1:LOUISVILLE

Alexandria, VA   Atlanta, GA   Frankfort, KY   Franklin, TN   Jeffersonville, IN   Lexington, KY   Louisville, KY   Nashville, TN

CA



Thomas P. Gulick  
May 24, 2013  
Page 2

wants to fashion a standard agreement to use with all the fraternities and sororities with "Omega" in their name.

As for the vast majority of the denied Requests for Admission, all that was requested was that Omega admit *it has no evidence to dispute* various specific facts. Omega uniformly denied these Requests, thus claiming *it does* have evidence to support its dispute of the various specified factual statements. If the "denials" are accurate, then where is the evidence upon which the denials are based? For example, see Request Number 7 which read as follows:

Admit that Opposer has no evidentiary basis to dispute that products bearing the opposed mark are primarily and predominantly marketed only to members of the Alpha Phi Omega National Service Fraternity, or to persons wishing to acquire the products as gifts for members of the Alpha Phi Omega National Service Fraternity.

Omega denied this Request. As a consequence, Omega is representing to us and to the TTAB that *it does have an "evidentiary basis* to dispute that products bearing the opposed mark are primarily and predominantly marketed only to members of the Alpha Phi Omega National Service Fraternity, or to persons wishing to acquire the products as gifts for members of the Alpha Phi Omega National Service Fraternity." Well then, where is the production of those evidentiary materials or other evidentiary information?

The same concern relates to Omega's denials to Requests Number 3, Number 4, and Number 6 through Number 48. For each of these 45 for Requests, all we Requested was that Omega admit it has "no evidentiary basis to dispute" the asserted facts. We did not ask Omega to admit that the asserted facts are true. It does not suffice to respond that Omega has "insufficient knowledge to admit or to deny" and for that reason to deny the Requests. See TBMP § 407.03(b). Indeed, to so respond actually could be interpreted as *an admission of the Request*. Uniformly denying these Requests are not sufficient responses; if Omega indeed has an "evidentiary basis" to dispute the facts, Omega must identify the evidentiary basis it claims to have to dispute those facts. To that point, Interrogatory Number 15 Requested as follows:

Itemize, identify, and describe in detail any testimonial or other evidentiary basis supporting Opposer's denial of any of the Requests for Admissions propounded with these Interrogatories and in relation to each, identify by name, address, occupation and telephone number any person's with personal knowledge of same.

Omega wrongly objected to this Request misstating that the Interrogatory exceeded the 75 Interrogatory limit set by the TTAB rules. This limit is inapplicable. There were only 15

Thomas P. Gulick

May 24, 2013

Page 3

Interrogatories, and even counting and Interrogatory requesting explanations of the basis for each of the 46 denied Requests for admission as 46 separate sub-parts, the Interrogatory count would only be 60, less than the allowable 75. Regardless, Omega waived this objection and thus, must provide the requested information. *See* TBMP §405.03(e).

Further notwithstanding that waived objection, it was also incumbent upon Omega in response to Request for Production Number 21 to produce any documents supporting its denials of any of the Requests for Admissions. Your response stated those documents would be produced, yet ***no responsive documents were produced***. If indeed the pertinent documents were actually produced and we are mistaken and missed them, please provide us a listing or chart identifying which of the documents are the specific bases of support for your denial of the respective Requests for Admission.

In relation to all our other discovery requests, it was also represented that documents would be produced from which we could obtain the requested discovery. We have perused the nearly 2900 documents dumped on us and note that virtually ***nothing responsive*** was produced relating to nearly all of the fundamental discovery requests. We have multiple concerns, including the following:

**Omega Watch Fame in U.S. Prior to 1925:** The Alpha Phi Omega marks have been used continuously since the founding of the fraternity in 1925. Omega Watch now, 88 years later, claims the Alpha Phi Omega marks dilute the Omega Watch marks. As a consequence, the burden is in Opposer to prove its Omega marks were famous in the U.S. prior to 1925 and many of our Requests directly relate to that issue, Interrogatory Number 3 and Request for Production Number 12 relating to Omega sales in the U.S. prior to 1925, Interrogatory Number 4 and Request for Production Number 13 relating to Omega advertising in the U.S. prior to 1925, Interrogatory Number 5 and Request for Production Number 14 relating to Omega media attention in the U.S. prior to 1925, Interrogatory Number 10 and Request for Production Number 15 relating to any other evidence of Omega fame in the U.S. prior to 1925, Interrogatory Number 11 relating to any evidence of dilution or likely dilution, Request for Production Number 4 relating to market studies or plans dating prior to 1925, and Request for Production Number 11 relating to any documents supporting the contention the Omega marks were "the subject of substantial, widespread public recognition in the United States prior to 1925."

Rather than provide the Requested information in narrative form, in response to each of these Interrogatories, we were informed that documents containing the requested information would be produced. We have perused the nearly 2900 documents dumped on us purportedly in response to our discovery requests and could find ***nothing responsive*** to any of these fundamentally pertinent Interrogatories, nor was anything pertinent produced in response to these Requests for Production. If indeed the documents were actually produced providing the requested information, they must be buried in the production. If we missed the requested

Thomas P. Gulick  
May 24, 2013  
Page 4

information, please provide us a listing or chart identifying which of the documents provide the specific information requested in each of these Interrogatories and each of the Request for Production.

**Likelihood of Confusion Issue:** Interrogatory Number 6 inquired of the factual basis for any contention use of the Alpha Phi Omega marks "will cause confusion, mistake and deception." Although you objected to identifying "witnesses," the Interrogatory was not so limited. Similarly, Interrogatory Number 12 inquired of the basis for Omega's contention Alpha Phi Omega's crest mark "is likely to be recognized as an identification or association with Opposer or its products." Although Omega objected to identifying witnesses with that knowledge, it responded that the requested documents would be produced. Parallel with these Interrogatories, Request for Production Number 9 requested any documents evidencing confusion or deception, in in response, we were informed the requested documents would be produced.

We have perused the nearly 2900 documents dumped on us purportedly in response to our discovery requests and could find *nothing responsive* to either these Interrogatories or the related Request for Production. If indeed the documents were actually produced providing the requested information, they must be buried in the production. If we missed the requested information, please provide us a listing or chart identifying which of the documents are responsive to these requests.

\* \* \* \* \*

In summary, it appears that Omega has wrongly and insufficiently responded to 46 of our 48 Requests for Admissions.

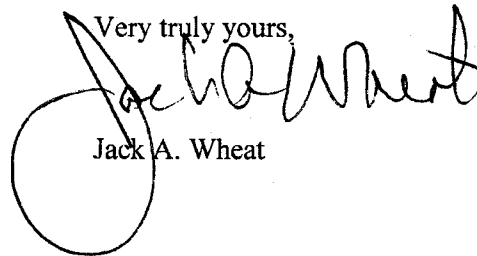
As for our Interrogatories and Requests for Production, Omega basically invariably responded with no narrative responses providing the requested information, rather, stated that it would be producing documents providing the requested information. Similarly, in response to virtually all of the Requests for Production, Omega responded that it would be producing the requested documents. Wading through the nearly 2900 dumped on us, we could locate virtually nothing providing the requested information, nor any of the promised responsive documents.

If indeed the responsive items were provided, they were buried in the nearly 2900 documents. If so, we will need a list or chart identifying which documents purportedly provide the requested information requested by each of the respective Interrogatories or Requests for Production.

Thomas P. Gulick  
May 24, 2013  
Page 5

Unfortunately discovery is about to close. Accordingly, we must ask that Omega cure these deficiencies by mid-week next week. Your attention to the deficiencies will be greatly appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jack A. Wheat", is written over a large, hand-drawn circle.

Jack A. Wheat

JAW:at

cc: Oren Gelber (via email)

# EXHIBIT 10



Telephone (914) 941-5668

Facsimile (914) 941-6091

www.collen/IP.com

Email: tgulick@collen/IP.com

May 29, 2013

**BY US MAIL**

Stites & Harbison PLLC  
400 W Market Street, Suite 1800  
Louisville, KY 40202-3352  
Attention: Jack A. Wheat

RE: U.S. Trademark Oppositions  
*Omega S.A. (Omega AG) (Omega Ltd.) v. Alpha Phi Omega*  
Adverse Applicant : Alpha Phi Omega  
Adverse Marks : ΑΦΩ; ALPHA PHI OMEGA & design  
Adverse Serial Nos.: 77/905,236; 77/950,436  
Our Refs. : K654; K655

Dear Mr. Wheat:

Further to our recent correspondence, enclosed please find Opposer's Amended Notice of Deposition.

Very truly yours,  
COLLEN IP

Thomas P. Gulick

TPG:eg

Enclosure: Amended Notice of Deposition

p:\K\K6\K655\_Amended Notice of Deposition to Mr. Wheat\_130529.docx

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: AΦΩ

Opp. No.: 91197505 (Parent)

Serial No.: 77905236

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: ALPHA PHI OMEGA and design

Opp. No.: 91197504 (Child)

Serial No.: 77950436

**AMENDED NOTICE OF RULE 30(b)(6) DEPOSITION  
UPON ORAL EXAM**

TO: Alpha Phi Omega

C/O: Jack A. Wheat  
Stites & Harbison PLLC  
400 W Market Street, Suite 1800  
Louisville, KY 40202-3352

PLEASE TAKE NOTICE that in the above-captioned opposition proceedings, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure and TBMP § 404.01, on June 5, 2013 at the offices of Stites & Harbison PLLC, 400 W Market Street, Suite 1800, Louisville, KY 40202-

3352, Opposer will take the deposition of Applicant Alpha Phi Omega through one or more of its officers, directors, or managing agents, or other persons designated by Applicant, with knowledge of the following topics:

1. All products and services sold or offered for sale in the United States by Applicant Alpha Phi Omega ("Applicant") in conjunction with Applicant's ALPHA PHI OMEGA and **AΦΩ** trademarks ("Applicant's Marks").
2. The circumstances surrounding the adoption and first use of Applicant's Marks in the United States.
3. The adoption and first use of Applicant's Marks in the United States.
4. Use of Applicant's Marks in the United States since their adoption, as well as any periods of non-use, and any intended future uses of the mark.
5. Applicant's advertising, marketing, manufacturing and product development activities and plans for Applicant's Marks in the United States.
6. The channels of trade through which Applicant sells and/or distributes goods in conjunction with Applicant's Marks in the United States.
7. The customers and distributors to whom Applicant sells goods in conjunction with Applicant's Marks in the United States.
8. Applicant's customers and distributors in the United States.
9. Applicant's contacts with its customers and distributors in the United States.
10. The manner in which Applicant distributes products bearing Applicant's Marks in the United States.



11. The dollar amounts expended by Applicant in developing and promoting Applicant's Marks, either in alone or in combination with any other term, design, or designation in the United States.
12. Applicant's annual U.S. sales of goods bearing Applicant's Marks for the past five years, in U.S. dollars.
13. Applicant's annual U.S. sales of goods bearing Applicant's Marks for the past five years, in units.
14. Past or present confusion or evidence of confusion between Applicant's Marks and other marks in the United States.
15. Licenses or agreements with any third parties in the United States related to Applicant's Marks.
16. Applicant's plans to market, distribute, sell, or provide products using Applicant's Marks in the United States.
17. Applicant's other OMEGA or  $\Omega$  marks.
18. The commercial impression and pronunciation of Applicant's Marks.
19. The fame and goodwill associated with Applicant's Marks.
20. All documents produced by Applicant in response to Opposer's First Set of Interrogatories and Request for Document Production.
21. All information provided by Applicant in its responses to Opposer's First Set of Interrogatories.
22. The factual bases for Applicant's admissions and denials provided in response to Opposer's First Set of Requests for Admissions.

Please take further notice that pursuant to Rule 30(b)(3) of the Federal Rules of Civil Procedure the deposition will be recorded by one or more of the following means: stenographic, sound and/or visual means.

The deposition will continue day to day until completed. You are invited to attend and cross-examine.

Respectfully Submitted,

By: Thomas P. Gulick

Jess M. Collen  
Thomas P. Gulick  
Oren Gelber  
COLLEN *IP*  
THE HOLYOKE-MANHATTAN BUILDING  
80 South Highland Avenue  
Ossining, NY 10562  
(914) 941-5668 Tel.  
(914) 941-6091 Fax

*Counsel for Opposer*

Dated: May 29, 2013

**CERTIFICATE OF SERVICE**

I, Edie Garvey, hereby certify that a true and correct copy of the foregoing Amended Notice of Rule 30(b)(6) Deposition Upon Oral Examination has been served by First Class Mail, Postage Prepaid, on May 29, 2013 upon Applicant's Attorney of Record at the following address:

Jack A. Wheat  
Stites & Harbison PLLC  
400 W Market Street, Suite 1800  
Louisville, KY 40202-3352

Edie Garvey

# EXHIBIT 11



Telephone (914) 941-5668

Facsimile (914) 941-6091

www.collenIP.com

Email: tgulick@collenIP.com

May 30, 2013

**BY EMAIL ONLY TO: JWHEAT@STITES.COM**

Stites & Harbison PLLC

400 W Market Street, Suite 1800

Louisville, KY 40202-3352

Attention: Jack A. Wheat

RE: U.S. Trademark Oppositions 91197505; 91197504  
*Omega SA (Omega AG) (Omega Ltd.) v. Alpha Phi Omega*  
Adverse Applicant : Alpha Phi Omega  
Adverse Marks : ΑΦΩ; ALPHA PHI OMEGA & design  
Adverse Serial Nos.: 77/905,236; 77/950,436  
Our Refs. : K654; K655

Dear Mr. Wheat:

I confirm receipt of your letter of May 21, 2013. I want to clarify a couple of points with you regarding the topics of the deposition. While Opposer does not expect that Applicant will be able to produce a witness with knowledge of specific details regarding every topic listed (for instance about every single licensed product bearing the mark), Applicant must still provide a knowledgeable witness overall.

If Applicant's witness is familiar with specific information, Opposer expects that such information will be provided during the deposition. It is also my expectation that the witness will answer questions to the best of his/her ability and not merely refuse to answer. If the witness is not aware of, or does not know an answer, the witness must so state. Opposer is then entitled to reasonably rely on such statements. It is my intention to discover what Applicant knows or does not know and what information it has, and what it claims not to have.

Further, Applicant must provide a witness who is familiar with the overall topics and evidence. Applicant's witness should be able to testify about the information that the Applicant possesses, and upon which it intends to rely during the course of the proceedings.

As I am sure you understand, it would not be productive to depose a witness who is not generally knowledgeable about the topics presented. Statements made by Applicant's Rule 30(b)(6) witness will be reasonably relied



PAPERCUT PROTOCOL  
ENVIRONMENTALLY SOUND LEGAL PRACTICE

COLLEN IP Intellectual Property Law, P.C., THE HOLYOKE-MANHATTAN BUILDING,  
80 South Highland Avenue, Ossining-on-Hudson, Westchester County, New York 10562 USA

Mr. Wheat  
May 30, 2013  
Page 2 of 2 – K655

upon by Opposer. If Applicant states that documents or information are not kept or obtained, then Applicant will be precluded from later producing such documents. The deposition in discovery is meant to disclose the relevant information and the existence and availability of evidence needed for the parties to prepare for trial.

While I believe we have an agreement on the topics generally, I want to be clear that Opposer has a reasonable expectation that the Applicant's witness will be adequately prepared to answer questions about the topics. The scope of the deposition topics is not meant to be overbroad, but rather is desired to guide Applicant in selecting the most appropriate witness testify on its behalf. The clarification of the topics is not meant to be a reason to have a witness inadequately prepared. I believe we agree as to this point, but want to make sure there are no misunderstandings.

Very truly yours,  
COLLEN /P

A handwritten signature in cursive script, appearing to read "Thomas P. Gulick".

Thomas P. Gulick

TPG:eg  
p:\K\K6\K655\_letter to mr wheat re\_dep\_130528.docx

**EXHIBIT 12**  
**PART A**



United States Patent and Trademark Office

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10 Records(s) found (This page: 1 ~ 10)

Refine Search ("alpha phi omega")[OW]

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Current Search: S1: ("alpha phi omega")[OW] docs: 10 occ: 17

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	77950436		ALPHA PHI OMEGA	TSDR	LIVE
2	77950430	3835075	ALPHA PHI OMEGA	TSDR	LIVE
3	77905236		A	TSDR	LIVE
4	77905230	3834436	A	TSDR	LIVE
5	77905132	3828181	ALPHA PHI OMEGA	TSDR	LIVE
6	77904914	3840594	ALPHA PHI OMEGA	TSDR	LIVE
7	75389822	2315321	ALPHA PHI OMEGA	TSDR	LIVE
8	75389803	2320138	ALPHA PHI OMEGA	TSDR	LIVE
9	72340108	0901019	ALPHA PHI OMEGA	TSDR	DEAD
10	71286530	0265052	A	TSDR	DEAD

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AL0001



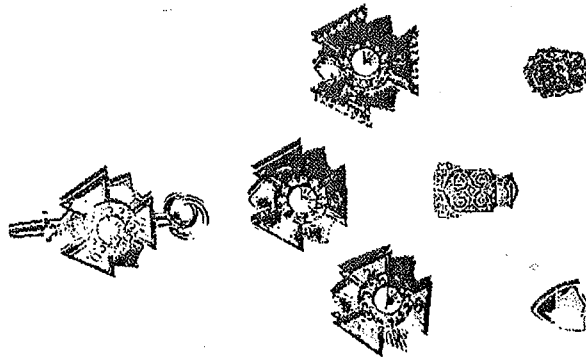
Α Φ Ω

Proprietor

Alpha Phi Omega

By H. H. Benjamin

Attorney



A  $\Phi$   $\Omega$

ALPHA PHI OMEGA

BOX 360

Winchester, Va.

FOR

By

National President

AL0003

P E T I T I O N

TO THE COMMISSIONER OF PATENTS.

The undersigned presents herewith a drawing and five (5) specimens of its trade mark, and requests that the same together with the accompanying Statement and Declaration may be registered in the United States Patent Office in accordance with the law in such cases made and provided.

AND it hereby appoints H. H. BENJAMIN (Register No. 11,597), of Washington Loan & Trust Building, Washington, D. C., its attorney, with full power of substitution and revocation, to prosecute this application for registration, to make alterations and amendments therein, to receive the Certificate of Registration, when issued, and to prosecute and transact all business in the Patent Office connected therewith.

AND IT HEREBY designates said H. H. Benjamin as the person upon whom process and notice of proceedings affecting the right of ownership of said trade mark may be served.

Dated at Winchester, Virginia, this 28th day of June, 1929.

ALPHA PHI OMEGA

By FRANK R. HORTON  
National President

## S T A T E M E N T

TO ALL WHOM IT MAY CONCERN:

Be it known that ALPHA PHI OMEGA, a voluntary association, having a regular and established place of business at 606 West Cork Street, Winchester, Virginia, has adopted and used the trade mark shown in the accompanying drawing for fraternity badges, lapel buttons, scarf, lapel and breast pins, cuff links, tie clasps, charms, finger rings, belt buckles, and ornamental shields, all of precious metal, in Class 28, Jewelry and Precious Metal Ware.

The trade mark has been continuously used in the business of said association since December 16, 1925.

The trade mark is usually applied or affixed to the goods by attaching a printed label to the packages containing the goods or by displaying the trade mark on the goods themselves in any manner customarily employed in attaching trade marks to articles of jewelry.

ALPHA PHI OMEGA

By FRANK R. WORTON  
National President

# The United States of America

PATENT

OFFICE



## Certificate of Renewal

### APPLICATION HAVING BEEN MADE BY

Alpha Phi Omega, of Kansas City, Missouri, a voluntary association of Pennsylvania,

for renewal of Certificate of Registration No. 265,052, registered December 10, 1929, and the various requirements of law in such case made and provided having been complied with:

This is to certify that said Certificate of Registration No. 265,052 covering the mark shown on the Drawing for the goods specified in the Statement, a copy of which Drawing and Statement is hereto annexed, is renewed under the provisions of The Trade-Mark Act of 1946 and will remain in force for twenty years from December 10, 1949 unless sooner terminated as provided by law.

*In Testimony Whereof* I have hereunto set my hand and caused the seal of the Patent Office to be affixed, at the City of Washington, this eighth day of November, in the year of our Lord one thousand nine hundred and forty-nine, and of the independence of the United States the one hundred and seventy-fourth.

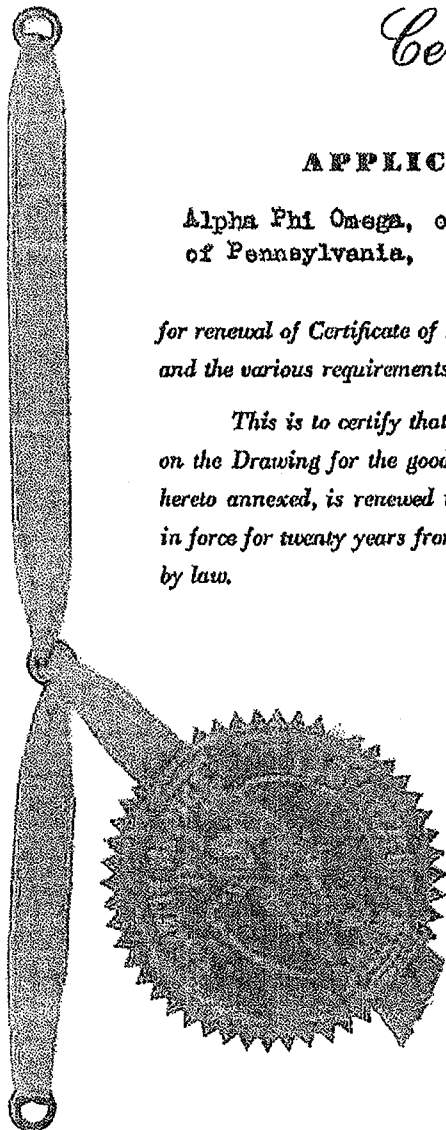
*Lawrence B. Kingsland*

COMMISSIONER OF PATENTS

ATTEST:

*S. Wm. Carlson*

LAW EXAMINER



Registered Dec. 10, 1929

Trade-Mark 265,052

# UNITED STATES PATENT OFFICE

ALPHA PHI OMEGA, OF WINCHESTER, VIRGINIA

ACT OF FEBRUARY 20, 1905

Application filed July 4, 1929. Serial No. 288,580.

Φ  
A Ω

## STATEMENT

The trade mark has been continuously used in the business of said association since December 16, 1926.

The trade mark is usually applied or affixed to the goods by attaching a printed label to the packages containing the goods or by displaying the trade mark on the goods themselves in any manner customarily employed in attaching trade marks to articles of jewelry.

ALPHA PHI OMEGA  
By FRANK E. HORTON  
Not a member of the association.

The trade mark has been continuously used in the business of said association since December 16, 1926.

The trade mark is usually applied or affixed to the goods by attaching a printed label to the packages containing the goods or by displaying the trade mark on the goods themselves in any manner customarily employed in attaching trade marks to articles of jewelry.

ALPHA PHI OMEGA  
By FRANK E. HORTON  
Not a member of the association.

Registered Dec. 10, 1929

Trade-Mark 265,052

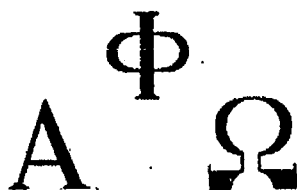
Renewed Dec. 10, 1949, to Alpha Phi Omega, of Kansas City,  
Mo.

## UNITED STATES PATENT OFFICE

ALPHA PHI OMEGA, OF WINCHESTER, VIRGINIA

ACT OF FEBRUARY 20, 1905

Application filed July 3, 1929. Serial No. 286,530.



### STATEMENT

*To all whom it may concern:*

Be it known that Alpha Phi Omega, a voluntary association, having a regular and established place of business at 606 West Cork Street, Winchester, Virginia, has adopted and used the trade-mark shown in the accompanying drawing, for FRATERNITY BADGES, LAPEL BUTTONS; SCARF, LAPEL, AND BREAST PINS; CUFF LINKS, TIE CLASPS, CHARMS, FINGER RINGS, BELT BUCKLES, AND ORNAMENTAL SHIELDS, ALL OF PRECIOUS METAL, in Class 28, Jewelry and precious-metal ware.

The trade mark has been continuously used in the business of said association since December 16, 1925.

The trade mark is usually applied or affixed to the goods by attaching a printed label to the packages containing the goods or by displaying the trade mark on the goods themselves in any manner customarily employed in attaching trade marks to articles of jewelry.

ALPHA PHI OMEGA,  
By FRANK R. HORTON,  
*National President.*

Int. Cl.: 14

Prior U.S. Cl.: 28

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 265,052

Registered Dec. 10, 1929

Renewal Approved Nov. 30, 1989

TRADEMARK  
PRINCIPAL REGISTER



ALPHA PHI OMEGA (MISSOURI NOT-  
FOR-PROFIT CORPORATION),  
1627 MAIN STREET  
KANSAS CITY, MO 64108, ASSIGNEE OF  
ALPHA PHI OMEGA (VIRGINIA VOL-  
UNTARY ASSOCIATION), WINCHESTER,  
VA

FOR: FRATERNITY BADGES, LAPEL  
BUTTONS; SCARF, LAPEL, AND

BREAST PINS; CUFF LINKS, TIE  
CLASPS, CHARMS, FINGER RINGS,  
BELT BUCKLES, AND ORNAMENTAL  
SHIELDS, ALL OF PRECIOUS METAL,  
IN CLASS 28 (INT. CL. 14).

FIRST USE 12-16-1925; IN COMMERCE  
12-16-1925.

SER. NO. 71-286,530. FILED 7-3-1929.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Jan. 9, 1990.*

COMMISSIONER OF PATENTS AND TRADEMARKS

AL0009



Int. Cl.: 42

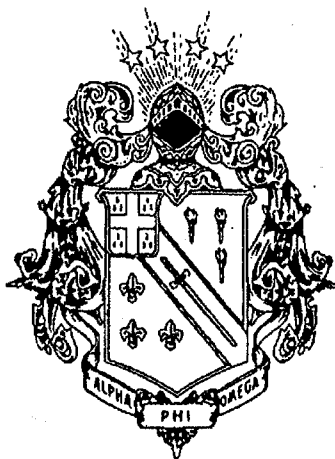
Prior U.S. Cls.: 100 and 101

Reg. No. 2,320,138

United States Patent and Trademark Office

Registered Feb. 22, 2000

SERVICE MARK  
PRINCIPAL REGISTER



ALPHA PHI OMEGA (MISSOURI NOT-FOR-  
PROFIT CORPORATION)  
14901 EAST 42ND STREET  
INDEPENDENCE, MO 64055

FOR: ASSOCIATION SERVICES, NAMELY,  
PROMOTING THE INTERESTS OF THE MEM-  
BERS OF A FRATERNAL SERVICE ASSOCIA-  
TION, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-16-1925; IN COMMERCE  
12-16-1925.

OWNER OF U.S. REG. NO. 265,052.

THE LINING SHOWN IN THE DRAWING IS  
A DESIGN FEATURE OF THE MARK AND IS  
NOT INTENDED TO INDICATE COLOR.

THE MARK CONSISTS OF A SHIELD WITH  
A CROSS, TORCHES, TREFOILS AND A  
SWORD ON THE FACE WITH A HELMET ON  
TOP OF THE SHIELD WITH STARS EMANAT-  
ING FROM IT AND A BANNER READING  
"ALPHA PHI OMEGA" BELOW THE SHIELD.

SER. NO. 75-389,803, FILED 11-13-1997.

KATHLEEN KEENER, EXAMINING ATTOR-  
NEY

AL0010

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,315,321

**United States Patent and Trademark Office**

Registered Feb. 8, 2000

**SERVICE MARK  
PRINCIPAL REGISTER**

**ALPHA PHI OMEGA**

ALPHA PHI OMEGA (MISSOURI NOT-FOR-  
PROFIT CORPORATION)  
14901 EAST 42ND STREET  
INDEPENDENCE, MO 64055

FIRST USE 12-16-1925; IN COMMERCE  
12-16-1925.

OWNER OF U.S. REG. NO. 265,052.

FOR: ASSOCIATION SERVICES, NAMELY,  
PROMOTING THE INTERESTS OF THE MEM-  
BERS OF A FRATERNAL SERVICE ASSOCIA-  
TION, IN CLASS 42 (U.S. CLS. 100 AND 101).

SER. NO. 75-389,822, FILED 11-13-1997.

KATHLEEN KEENER, EXAMINING ATTOR-  
NEY

AL0011

# United States of America

United States Patent and Trademark Office

## ALPHA PHI OMEGA

Reg. No. 3,840,594

Registered Aug. 31, 2010

COLLECTIVE  
MEMBERSHIP

PRINCIPAL REGISTER

ALPHA PHI OMEGA (MISSOURI CORPORATION), DBA ALPHA PHI OMEGA NATIONAL  
SERVICE FRATERNITY  
14901 EAST 42ND STREET  
INDEPENDENCE, MO 64055

FOR: INDICATING MEMBERSHIP IN A SERVICE FRATERNITY, IN CLASS 200 (U.S. CL.  
200).

FIRST USE 0-0-1925; IN COMMERCE 0-0-1925.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,315,321.

SER. NO. 77-904,914, FILED 1-5-2010.

LAURIE MAYES, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

AL0012

# United States of America

United States Patent and Trademark Office

## ALPHA PHI OMEGA

Reg. No. 3,828,181

Registered Aug. 3, 2010

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

ALPHA PHI OMEGA (MISSOURI CORPORATION), AKA ALPHA PHI OMEGA NATIONAL  
SERVICE FRATERNITY  
14901 EAST 42ND STREET  
INDEPENDENCE, MO 64055

FOR: HEADWEAR; JACKETS; SHIRTS; SWEAT SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND  
39).

FIRST USE 0-0-1980; IN COMMERCE 0-0-1980.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,315,321 AND 2,320,138.

SEC. 2(F).

SER. NO. 77-905,132, FILED 1-5-2010.

LAURIE MAYES, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

AL0013

# United States of America

United States Patent and Trademark Office

## AΦΩ

Reg. No. 3,834,436

Registered Aug. 17, 2010

COLLECTIVE  
MEMBERSHIP

PRINCIPAL REGISTER

ALPHA PHI OMEGA (MISSOURI CORPORATION), AKA ALPHA PHI OMEGA NATIONAL  
SERVICE FRATERNITY  
14901 EAST 42ND STREET  
INDEPENDENCE, MO 64055

FOR: INDICATING MEMBERSHIP IN A(N) TO INDICATE MEMBERSHIP IN A SERVICE  
FRATERNITY. IN CLASS 200 (U.S. CL. 200).

FIRST USE 0-0-1925; IN COMMERCE 0-0-1925.

OWNER OF U.S. REG. NOS. 2,315,321 AND 2,320,138.

THE NON-LATIN CHARACTERS IN THE MARK TRANSLITERATE TO "ALPHA PHI  
OMEGA" AND THESE ARE LETTERS FROM THE GREEK ALPHABET.

THE MARK CONSISTS OF THE GREEK ALPHABET LETTERS "ALPHA", "PHI" AND  
"OMEGA".

SER. NO. 77-905,230, FILED 1-5-2010.

LAURIE MAYES, EXAMINING ATTORNEY



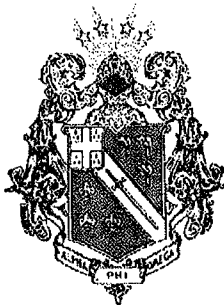
*David J. Kappas*

Director of the United States Patent and Trademark Office

AL0014

# United States of America

United States Patent and Trademark Office



Reg. No. 3,835,075

Registered Aug. 17, 2010

COLLECTIVE  
MEMBERSHIP

PRINCIPAL REGISTER

ALPHA PHI OMEGA (MISSOURI CORPORATION), DBA ALPHA PHI OMEGA NATIONAL  
SERVICE FRATERNITY  
14901 EAST 42ND STREET  
INDEPENDENCE, MO 64055

FOR: INDICATING MEMBERSHIP IN A(N) TO INDICATE MEMBERSHIP IN A SERVICE  
FRATERNITY, IN CLASS 200 (U.S. CL. 200).

FIRST USE 0-0-1925; IN COMMERCE 0-0-1925.

OWNER OF U.S. REG. NOS. 2,315,321 AND 2,320,138.

THE MARK CONSISTS OF A COAT-OF-ARMS DESIGN CONTAINING A SHIELD BEARING  
THREE TORCHES, THREE TREFOILS, A SWORD AND A SMALLER SHIELD CONTAINING  
A CROSS AND DROPS. ATOP THE LARGER SHIELD IS A HELMET WITH RAYS AND  
STARS EMANATING FROM IT AND BELOW THE LARGER SHIELD IS A RIBBON BEARING  
THE WORDS "ALPHA PHI OMEGA".

SER. NO. 77-950,430, FILED 3-4-2010.

LAURIE MAYES, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

AL0015

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Chapter Name	School	City	State	Type	Status	Section/Region
Alpha Zeta Eta	University of Alaska Anchorage	Anchorage	AK	Collegiate	Chapter	Section 8 Region 11
Phi Chi Omega	University of Alaska Fairbanks	Fairbanks	AK	Collegiate	Chapter	Section 8 Region 11
Alpha Zeta Eta	University of Alaska Southeast	Juneau	AK	Collegiate	Chapter	Section 8 Region 11
Phi Chi Omega	Alabama A&M University	Normal	AL	Collegiate	Chapter	Section 69 Region 4
Alpha Zeta Eta	Auburn University	Auburn	AL	Collegiate	Chapter	Section 69 Region 4
Gamma Phi	Samford University	Birmingham	AL	Collegiate	Chapter	Section 69 Region 4
Alpha Zeta Eta	Tuskegee University	Tuskegee	AL	Collegiate	Chapter	Section 69 Region 4
Alpha Zeta Eta	University of West Alabama	Huntsville	AL	Collegiate	Chapter	Section 69 Region 4
Phi Chi Omega	Arkansas Tech University	Russellville	AR	Collegiate	Chapter	Section 33 Region 8
Phi Chi Omega	Henderson State University	Arkadelphia	AR	Collegiate	Chapter	Section 33 Region 8
Alpha Zeta Eta	Southern Arkansas University	Maybrook	AR	Collegiate	Chapter	Section 33 Region 8
Phi Chi Omega	University of Arkansas	Fayetteville	AR	Collegiate	Chapter	Section 33 Region 8
Phi Chi Omega	Arizona State University	Tempe	AZ	Collegiate	Chapter	Section 2 Region 10
Alpha Zeta Eta	University of Arizona	Tucson	AZ	Collegiate	Chapter	Section 2 Region 10
Alpha Zeta Eta	California Polytechnic State University	San Luis Obispo	CA	Collegiate	Chapter	Section 1 Region 10
Alpha Zeta Eta	California State University, Fullerton	Fullerton	CA	Collegiate	Chapter	Section 2 Region 10
Phi Chi Omega	California State University, Long Beach	Long Beach	CA	Collegiate	Chapter	Section 1 Region 10
Gamma Phi	California State University, Los Angeles	Los Angeles	CA	Collegiate	Chapter	Section 1 Region 10
Alpha Zeta Eta	California State University, Sacramento	Sacramento	CA	Collegiate	Chapter	Section 4 Region 10
Alpha Zeta Eta	California State University, East Bay	Hayward	CA	Collegiate	Chapter	Section 4 Region 10
Alpha Zeta Eta	San Diego State University	San Diego	CA	Collegiate	Chapter	Section 2 Region 10
Phi Chi Omega	San Francisco State University	San Francisco	CA	Collegiate	Chapter	Section 4 Region 10
Alpha Zeta Eta	San Jose State University	San Jose	CA	Collegiate	Chapter	Section 4 Region 10
Alpha Zeta Eta	Stanford University	Stanford	CA	Collegiate	Chapter	Section 4 Region 10
Alpha Zeta Eta	University of California at Berkeley	Berkeley	CA	Collegiate	Chapter	Section 4 Region 10
Alpha Zeta Eta	University of California at Davis	Davis	CA	Collegiate	Chapter	Section 4 Region 10
Alpha Zeta Eta	University of California at Los Angeles	Los Angeles	CA	Collegiate	Chapter	Section 1 Region 10
Alpha Zeta Eta	University of California at Riverside	Riverside	CA	Collegiate	Chapter	Section 1 Region 10
Alpha Zeta Eta	University of California at San Diego	La Jolla	CA	Collegiate	Chapter	Section 2 Region 10
Alpha Zeta Eta	University of California Santa Barbara	Goleta	CA	Collegiate	Chapter	Section 1 Region 10
Alpha Zeta Eta	University of California, Merced	Merced	CA	Collegiate	Chapter	Section 4 Region 10
Alpha Zeta Eta	University of California, Santa Cruz	Santa Cruz	CA	Collegiate	Chapter	Section 4 Region 10
Alpha Zeta Eta	University of California, Irvine	Irvine	CA	Collegiate	Chapter	Section 2 Region 10
Alpha Zeta Eta	University of Redlands	Redlands	CA	Collegiate	Chapter	Section 2 Region 10
Alpha Zeta Eta	University of San Francisco	San Francisco	CA	Collegiate	Chapter	Section 4 Region 10
Alpha Zeta Eta	University of Southern California	Los Angeles	CA	Collegiate	Chapter	Section 1 Region 10
Alpha Zeta Eta	University of the Pacific	Stockton	CA	Collegiate	Chapter	Section 4 Region 10

AL0016

Chapter Name	School	City	State	Type	Status	Section/Region
Alpha Phi	Colorado School of Mines	Golden	CO	Collegiate	Chapter	Section 30 Region 8
Gamma Phi	Colorado State University	Fort Collins	CO	Collegiate	Chapter	Section 30 Region 8
Gamma Beta	University of Colorado at Boulder	Boulder	CO	Collegiate	Chapter	Section 30 Region 8
Gamma Delta	Chesapeake University	Hamden	CT	Collegiate	Chapter	Section 96 Region 1
Gamma Epsilon	University of Connecticut	Storrs	CT	Collegiate	Chapter	Section 96 Region 1
Alpha Zeta Phi	University of Hartford	West Hartford	CT	Collegiate	Chapter	Section 96 Region 1
Gamma	American University	Washington	DC	Collegiate	Chapter	Section 65 Region 3
Gamma Mu	Catholic University of America	Washington	DC	Collegiate	Chapter	Section 65 Region 3
Gamma Chi	George Washington University	Washington	DC	Collegiate	Chapter	Section 65 Region 3
Gamma Zeta	Georgetown University	Washington	DC	Collegiate	Chapter	Section 65 Region 3
Gamma Phi	Howard University	Washington	DC	Collegiate	Chapter	Section 84 Region 3
Gamma Sigma	University of Delaware	Newark	DE	Collegiate	Chapter	Section 92 Region 2
Alpha Delta Delta	Wesley College	Dover	DE	Collegiate	Chapter	Section 92 Region 2
Alpha Delta Eta	Embry-Riddle Aeronautical University	Daysville Beach	FL	Collegiate	Chapter	Section 73 Region 4
Alpha Delta	Florida A. & M. University	Tallahassee	FL	Collegiate	Chapter	Section 75 Region 4
Alpha Delta Lambda	Florida Atlantic University	Boca Raton	FL	Collegiate	Chapter	Section 71 Region 4
Alpha Gamma Phi	Florida Institute of Technology	Melbourne	FL	Collegiate	Chapter	Section 71 Region 4
Gamma Eta	Florida State University	Tallahassee	FL	Collegiate	Chapter	Section 75 Region 4
Alpha Delta Tau	Nease Southwestern University	Fort Lauderdale-Dove	FL	Collegiate	Chapter	Section 71 Region 4
Alpha Gamma Delta	Saint Leo University	Saint Leo	FL	Collegiate	Chapter	Section 73 Region 4
Gamma Gamma	University of Central Florida	Orlando	FL	Collegiate	Chapter	Section 73 Region 4
Gamma	University of Miami	Coral Gables	FL	Collegiate	Chapter	Section 75 Region 4
Gamma Phi	University of Miami	Coral Gables	FL	Collegiate	Chapter	Section 71 Region 4
Gamma Delta	University of South Florida	Tampa	FL	Collegiate	Chapter	Section 73 Region 4
Alpha Gamma Delta	Clayton State University	Marietta	GA	Collegiate	Chapter	Section 76 Region 4
Alpha Sigma Phi	Emory University	Atlanta	GA	Collegiate	Chapter	Section 76 Region 4
Sigma Gamma Delta	Georgia Institute of Technology	Atlanta	GA	Collegiate	Chapter	Section 76 Region 4
Alpha Gamma Phi	Georgia Military College	Milledgeville	GA	Collegiate	Chapter	Section 76 Region 4
Gamma Gamma	Georgia Southern University	Statesboro	GA	Collegiate	Chapter	Section 77 Region 4
Gamma Eta	Mercer University	Macon	GA	Collegiate	Chapter	Section 76 Region 4
Alpha Delta Phi	North Georgia College & State University	Dahlonega	GA	Collegiate	Chapter	Section 76 Region 4
Gamma Mu	Oglethorpe University	Atlanta	GA	Collegiate	Chapter	Section 76 Region 4
Gamma Delta	University of Georgia	Athens	GA	Collegiate	Chapter	Section 76 Region 4
Gamma Mu	University of West Georgia	Carrollton	GA	Collegiate	Chapter	Section 69 Region 4
Gamma Eta	Valdosta State University	Valdosta	GA	Collegiate	Chapter	Section 75 Region 4
Gamma	Oakland University	Dea Moines	IA	Collegiate	Chapter	Section 21 Region 9
Gamma	Iowa State University	Ames	IA	Collegiate	Chapter	Section 21 Region 9
Gamma	Wells College	Decorah	IA	Collegiate	Chapter	Section 21 Region 9
Gamma	Simpson College	Indianola	IA	Collegiate	Chapter	Section 21 Region 9
Gamma	University of Iowa	Iowa City	IA	Collegiate	Chapter	Section 21 Region 9
Gamma Delta	University of Northern Iowa	Cedar Rapids	IA	Collegiate	Chapter	Section 21 Region 9
Gamma Delta	Augustine College	Rock Island	IL	Collegiate	Chapter	Section 47 Region 6
Alpha Alpha	Bradley University	Peoria	IL	Collegiate	Chapter	Section 50 Region 6
Gamma Delta	DePaul University	Chicago	IL	Collegiate	Chapter	Section 51 Region 6
Gamma Phi	Eastern Illinois University	Charlestar	IL	Collegiate	Chapter	Section 50 Region 6
Alpha Delta Gamma	Elmhurst College	Elmhurst	IL	Collegiate	Chapter	Section 51 Region 6
Gamma Sigma	Illinois College	Jacksonville	IL	Collegiate	Chapter	Section 47 Region 6
Gamma Epsilon	Illinois State University	Normal	IL	Collegiate	Chapter	Section 50 Region 6
Gamma Epsilon	Illinois Wesleyan University	Bloomington	IL	Collegiate	Chapter	Section 50 Region 6
Alpha Delta Gamma	Knox College	Galesburg	IL	Collegiate	Chapter	Section 47 Region 6
Alpha Delta Phi	Lake Forest College	Lake Forest	IL	Collegiate	Chapter	Section 51 Region 6
Gamma	Loyola University of Chicago	Chicago	IL	Collegiate	Chapter	Section 51 Region 6
Gamma Gamma	Macomb Community University	Ypsilanti	IL	Collegiate	Chapter	Section 49 Region 8
Gamma Gamma	Marion University	Danville	IL	Collegiate	Chapter	Section 50 Region 6
Gamma	Northern Illinois University	DeKalb	IL	Collegiate	Chapter	Section 51 Region 6
Gamma	Northwestern University	Evanston	IL	Collegiate	Chapter	Section 51 Region 6
Gamma Delta Gamma	Parthen College	Champaign	IL	Collegiate	Chapter	Section 50 Region 6

AL0017



Chapter Name	School	City	State	Type	Status	Section/Region
Alpha Gamma	Roosevelt University	Chicago	IL	Collegiate	Chapter	Section 51 Region 6
Alpha Phi	Southern Illinois University at Edwardsville	Edwardsville	IL	Collegiate	Chapter	Section 49 Region 8
Alpha Sigma	University of Chicago	Chicago	IL	Collegiate	Chapter	Section 51 Region 6
Alpha Sigma	University of Illinois at Chicago	Chicago	IL	Collegiate	Chapter	Section 51 Region 6
Alpha Tau Beta	University of Illinois at Springfield	Springfield	IL	Collegiate	Chapter	Section 47 Region 6
Alpha Theta	University of Illinois at Urbana-Champaign	Urbana	IL	Collegiate	Chapter	Section 50 Region 6
Alpha Nu	Western Illinois University	Maconah	IL	Collegiate	Chapter	Section 47 Region 6
Alpha Psi	Ball State University	Muncie	IN	Collegiate	Chapter	Section 31 Region 9
Alpha Iota	Ball State University	Indianapolis	IN	Collegiate	Chapter	Section 31 Region 6
Alpha Lambda	DePauw University	Greencastle	IN	Collegiate	Chapter	Section 46 Region 6
Alpha	Indiana University	Bloomington	IN	Collegiate	Chapter	Section 46 Region 6
Alpha Eta	Indiana University Purdue Univ. Indianapolis	Indianapolis	IN	Collegiate	Chapter	Section 31 Region 6
Alpha Sigma	Purdue University	West Lafayette	IN	Collegiate	Chapter	Section 31 Region 6
Alpha Lambda	Rosen-Hulman Institute of Technology	Terrace Haute	IN	Collegiate	Chapter	Section 46 Region 6
Alpha Sigma	Valparaiso University	Valparaiso	IN	Collegiate	Chapter	Section 31 Region 6
Alpha Gamma	Wabash College	Crawfordsville	IN	Collegiate	Chapter	Section 46 Region 6
Alpha Phi	Kansas State University	Manhattan	KS	Collegiate	Chapter	Section 34 Region 8
Alpha Eta	Finburg State University	Pittsburg	KS	Collegiate	Chapter	Section 34 Region 8
Alpha Beta	Central College	Danville	NY	Collegiate	Chapter	Section 67 Region 5
Alpha Delta Lambda	Eastern Kentucky University	Richmond	KY	Collegiate	Chapter	Section 67 Region 5
Alpha Gamma	Kentucky State University	Frankfort	KY	Collegiate	Chapter	Section 67 Region 5
Alpha Gamma Phi	Northern Kentucky University	Highland Heights	KY	Collegiate	Chapter	Section 67 Region 5
Alpha Zeta	University of Kentucky	Lexington	KY	Collegiate	Chapter	Section 67 Region 5
Alpha Delta	University of Louisville	Louisville	KY	Collegiate	Chapter	Section 67 Region 5
Alpha Nu	Grandfing State University	Grandfing	LA	Collegiate	Chapter	Section 45 Region 7
Alpha Lambda	Louisiana State University	Baton Rouge	LA	Collegiate	Chapter	Section 45 Region 7
Alpha Gamma	Tulane University	New Orleans	LA	Collegiate	Chapter	Section 45 Region 7
Alpha Gamma	Brigham Young University	Provo	MA	Collegiate	Chapter	Section 96 Region 1
Alpha Gamma	Massachusetts Institute of Technology	Cambridge	MA	Collegiate	Chapter	Section 96 Region 1
Alpha Gamma	University of Massachusetts	Amherst	MA	Collegiate	Chapter	Section 96 Region 1
Alpha Gamma	Worcester Polytechnic Institute	Worcester	MA	Collegiate	Chapter	Section 96 Region 1
Alpha Gamma	Frostburg State University	Frostburg	MD	Collegiate	Chapter	Section 86 Region 3
Alpha Eta	Johns Hopkins University	Baltimore	MD	Collegiate	Chapter	Section 86 Region 3
Alpha Gamma	McDonnell College	Wassminister	MD	Collegiate	Chapter	Section 86 Region 3
Alpha Alpha	Salisbury University	Salisbury	MD	Collegiate	Chapter	Section 85 Region 3
Alpha Gamma	Towson University	Towson	MD	Collegiate	Chapter	Section 86 Region 3
Alpha Gamma	University of Maryland, Baltimore County	Baltimore	MD	Collegiate	Chapter	Section 86 Region 3
Alpha Gamma	University of Maryland/College Park	College Park	MD	Collegiate	Chapter	Section 85 Region 3
Alpha Gamma	Husson University	Bangor	ME	Collegiate	Chapter	Section 94 Region 1
Alpha Gamma	Maine Maritime Academy	Cat Cove	ME	Collegiate	Chapter	Section 94 Region 1
Alpha Gamma	University of Maine at Farmington	Farmington	ME	Collegiate	Chapter	Section 94 Region 1
Alpha Gamma	Albion College	Albion	MI	Collegiate	Chapter	Section 53 Region 6
Alpha Gamma	Alma College	Alma	MI	Collegiate	Chapter	Section 53 Region 6
Alpha Beta	Central Michigan University	Mt Pleasant	MI	Collegiate	Chapter	Section 53 Region 6
Alpha Gamma	Eastern Michigan University	Ypsilanti	MI	Collegiate	Chapter	Section 53 Region 6
Alpha Gamma	Grand Valley State University	Allendale	MI	Collegiate	Chapter	Section 53 Region 6
Alpha Gamma	Lapeer College	Holland	MI	Collegiate	Chapter	Section 53 Region 6
Alpha Gamma	Lake Superior State University	Sault Saint Marie	MI	Collegiate	Chapter	Section 53 Region 6
Alpha Gamma	Michigan State University	East Lansing	MI	Collegiate	Chapter	Section 53 Region 6
Alpha Gamma	Michigan Technological University	Houghton	MI	Collegiate	Chapter	Section 53 Region 6
Alpha Gamma	Northwestern Michigan University	Marquette	MI	Collegiate	Chapter	Section 53 Region 6
Alpha Gamma	Oakland University	Pontiac	MI	Collegiate	Chapter	Section 53 Region 6

AL0018

Chapter Name	School	City	State	Type	Status	Section/Region
Alpha Phi Omega						
Alpha Phi Omega	Sagehen Valley State University	University Center	MT	Collegiate	Chapter	Section 55 Region 6
Alpha Phi Omega	Simon Fraser University	Acton	BC	Collegiate	Chapter	Section 55 Region 6
Alpha Phi Omega	University of Detroit Mercy	Detroit	MI	Collegiate	Chapter	Section 55 Region 6
Alpha Phi Omega	University of Michigan Ann Arbor	Ann Arbor	MI	Collegiate	Chapter	Section 55 Region 6
Alpha Phi Omega	Wayne State University	Detroit	MI	Collegiate	Chapter	Section 55 Region 6
Alpha Phi Omega	Western Michigan University	Kalamazoo	MI	Collegiate	Chapter	Section 55 Region 6
Alpha Phi Omega	St. Ignace College	St. Ignace	MT	Collegiate	Chapter	Section 23 Region 9
Alpha Phi Omega	Minnesota State University, Moorhead	Moorhead	ND	Collegiate	Chapter	Section 23 Region 9
Alpha Phi Omega	Saint Olaf College	Norwalk	MN	Collegiate	Chapter	Section 23 Region 9
Alpha Phi Omega	University of Minnesota, Twin Cities	Minneapolis	MN	Collegiate	Chapter	Section 23 Region 9
Alpha Phi Omega	University of Minnesota/Duluth	Duluth	MN	Collegiate	Chapter	Section 23 Region 9
Alpha Phi Omega	APO University	Indianapolis	MO	Collegiate	Chapter	Section 51 Region 6
Alpha Phi Omega	Central Methodist University	Fayette	MO	Collegiate	Chapter	Section 55 Region 8
Alpha Phi Omega	Kennett College of Osteopathic Medicine	Kennett	MO	Collegiate	Chapter	Section 49 Region 8
Alpha Phi Omega	St. Charles University	St. Charles	MO	Collegiate	Chapter	Section 49 Region 8
Alpha Phi Omega	Missouri State University	Springfield	MO	Collegiate	Chapter	Section 55 Region 8
Alpha Phi Omega	Missouri University of Science and Technology	Rolla	MO	Collegiate	Chapter	Section 49 Region 8
Alpha Phi Omega	Rockhurst University	Kansas City	MO	Collegiate	Chapter	Section 55 Region 8
Alpha Phi Omega	Saint Louis University	St. Louis	MO	Collegiate	Chapter	Section 49 Region 8
Alpha Phi Omega	Southeast Missouri State University	Capitola	MO	Collegiate	Chapter	Section 49 Region 8
Alpha Phi Omega	Truman State University	Kirkville	MO	Collegiate	Chapter	Section 49 Region 8
Alpha Phi Omega	University of Missouri - Kansas City	Kansas City	MO	Collegiate	Chapter	Section 55 Region 8
Alpha Phi Omega	University of Missouri-Columbia	Columbia	MO	Collegiate	Chapter	Section 55 Region 8
Alpha Phi Omega	University of Missouri-St. Louis	St. Louis	MO	Collegiate	Chapter	Section 49 Region 8
Alpha Phi Omega	Washington University	St. Louis	MO	Collegiate	Chapter	Section 49 Region 8
Alpha Phi Omega	Mississippi State University	Mississippi State	MS	Collegiate	Chapter	Section 45 Region 7
Alpha Phi Omega	Mississippi Valley State University	Itta Bena	MS	Collegiate	Chapter	Section 45 Region 7
Alpha Phi Omega	University of Mississippi	Oxford	MS	Collegiate	Chapter	Section 45 Region 7
Alpha Phi Omega	Appalachian State University	Boone	NC	Collegiate	Chapter	Section 79 Region 3
Alpha Phi Omega	Barton College	Wilson	NC	Collegiate	Chapter	Section 80 Region 3
Alpha Phi Omega	Duke University	Durham	NC	Collegiate	Chapter	Section 80 Region 3
Alpha Phi Omega	East Carolina University	Greenville	NC	Collegiate	Chapter	Section 80 Region 3
Alpha Phi Omega	Elizabeth City State University	Elizabeth City	NC	Collegiate	Chapter	Section 80 Region 3
Alpha Phi Omega	Elon University	Elon	NC	Collegiate	Chapter	Section 79 Region 3
Alpha Phi Omega	High Point University	High Point	NC	Collegiate	Chapter	Section 79 Region 3
Alpha Phi Omega	Johnson C. Smith University	Charlotte	NC	Collegiate	Chapter	Section 79 Region 3
Alpha Phi Omega	North Carolina A&T State University	Greensboro	NC	Collegiate	Chapter	Section 79 Region 3
Alpha Phi Omega	North Carolina State University	Raleigh	NC	Collegiate	Chapter	Section 80 Region 3
Alpha Phi Omega	University of North Carolina at Chapel Hill	Chapel Hill	NC	Collegiate	Chapter	Section 80 Region 3
Alpha Phi Omega	University of North Carolina at Charlotte	Charlotte	NC	Collegiate	Chapter	Section 79 Region 3
Alpha Phi Omega	University of North Carolina at Greensboro	Greensboro	NC	Collegiate	Chapter	Section 79 Region 3
Alpha Phi Omega	Winston-Salem University	Winston-Salem	NC	Collegiate	Chapter	Section 79 Region 3
Alpha Phi Omega	Western Carolina University	Catawba	NC	Collegiate	Chapter	Section 79 Region 3
Alpha Phi Omega	Winston-Salem State University	Winston-Salem	NC	Collegiate	Chapter	Section 79 Region 3
Alpha Phi Omega	North Dakota State University	Fargo	ND	Collegiate	Chapter	Section 23 Region 9
Alpha Phi Omega	University of North Dakota	Grand Forks	ND	Collegiate	Chapter	Section 23 Region 9
Alpha Phi Omega	Creighton University	Omaha	NE	Collegiate	Chapter	Section 26 Region 8
Alpha Phi Omega	Saint Anselm College	Manchester	NH	Collegiate	Chapter	Section 94 Region 1
Alpha Phi Omega	Dartmouth College	Durham	NH	Collegiate	Chapter	Section 94 Region 1

AL0019

Chapter Name	School	City	State	Type	Status	Section/Region
	University of New Hampshire					
Phi Omicron	Drew University	Madison	NJ	Collegiate	Chapter	Section 101 Region 1
Phi Phi	Montclair State University	Montclair	NJ	Collegiate	Chapter	Section 101 Region 1
Alpha Gamma Sigma	New Jersey City University	Jersey City	NJ	Collegiate	Chapter	Section 101 Region 1
Gamma Delta	New Jersey Institute of Technology	Newark	NJ	Collegiate	Chapter	Section 101 Region 1
Alpha Delta Phi	Pasaypa College of Education	Marikina	NI	Collegiate	Chapter	Section 101 Region 1
Phi Phi	Prater University	Lawrenceville	NJ	Collegiate	Chapter	Section 102 Region 1
Gamma Phi	Rutgers University	Clarkstown	NJ	Collegiate	Chapter	Section 102 Region 1
Alpha Phi	Rutgers, The State University of New Jersey	New Brunswick	NJ	Collegiate	Chapter	Section 102 Region 1
Alpha Delta Phi	Salem Hall University	South Orange	NJ	Collegiate	Chapter	Section 101 Region 1
Alpha Delta	Stevens Institute of Technology	Hoboken	NJ	Collegiate	Chapter	Section 101 Region 1
Alpha Delta Chapter	The College of New Jersey	Ewing	NJ	Collegiate	Chapter	Section 102 Region 1
Alpha Delta Chapter	University of Nevada, Las Vegas	Las Vegas	NV	Collegiate	Chapter	Section 2 Region 10
Alpha Gamma	Alfred University	Alfred	NY	Collegiate	Chapter	Section 89 Region 2
Phi Omicron	Clarkson University	Potsdam	NY	Collegiate	Chapter	Section 88 Region 2
Gamma	Cornell University	Ithaca	NY	Collegiate	Chapter	Section 87 Region 2
Alpha Gamma Chapter	CUNY Hunter College	New York	NY	Collegiate	Chapter	Section 97 Region 1
Phi Phi	New York University	New York	NY	Collegiate	Chapter	Section 97 Region 1
Gamma Delta	Pennsylvania Polytechnic Institute	Tracy	NY	Collegiate	Chapter	Section 88 Region 2
Gamma	Rochester Institute of Technology	Rochester	NY	Collegiate	Chapter	Section 89 Region 2
Alpha Delta Phi	Saint Bonaventure University	St. Bonaventure	NY	Collegiate	Chapter	Section 89 Region 2
Gamma Phi	Saint Lawrence University	Canton	NY	Collegiate	Chapter	Section 88 Region 2
Alpha Delta Phi	St. Thomas Aquinas College	Spartanburg	NY	Collegiate	Chapter	Section 97 Region 1
Gamma Sigma	SUNY at Buffalo	Buffalo	NY	Collegiate	Chapter	Section 89 Region 2
Gamma Delta	SUNY Binghamton University	Binghamton	NY	Collegiate	Chapter	Section 87 Region 2
Alpha Delta	SUNY College at Oneonta	Oneonta	NY	Collegiate	Chapter	Section 88 Region 2
Alpha Delta Chapter	SUNY Cortland	Cortland	NY	Collegiate	Chapter	Section 87 Region 2
Phi Phi	SUNY Fredonia	Fredonia	NY	Collegiate	Chapter	Section 89 Region 2
Alpha Delta Phi	SUNY Geneseo	Geneseo	NY	Collegiate	Chapter	Section 89 Region 2
Alpha Gamma Delta	SUNY New Paltz	New Paltz	NY	Collegiate	Chapter	Section 88 Region 2
Gamma Phi	SUNY Oswego	Oswego	NY	Collegiate	Chapter	Section 87 Region 2
Alpha Gamma Delta	SUNY The College at Brockton	Brockton	NY	Collegiate	Chapter	Section 89 Region 2
Alpha Gamma Delta	SUNY University at Albany	Albany	NY	Collegiate	Chapter	Section 88 Region 2
Phi	Syracuse University	Syracuse	NY	Collegiate	Chapter	Section 87 Region 2
Alpha Gamma Delta	University of Suffolk	Rochester	NY	Collegiate	Chapter	Section 89 Region 2
Gamma Delta	Waynes College	Waynes	NY	Collegiate	Chapter	Section 97 Region 1
Alpha Gamma	Bowling Green State University	Bowling Green	OH	Collegiate	Chapter	Section 56 Region 5
Alpha Delta	Capital University	Columbus	OH	Collegiate	Chapter	Section 59 Region 5
Gamma Delta	Casa Western Reserve University	Cleveland	OH	Collegiate	Chapter	Section 59 Region 5
Alpha Delta Phi	Duquesne College	Duquesne	OH	Collegiate	Chapter	Section 56 Region 5
Alpha Gamma Chapter	Heidelberg University	Tiffin	OH	Collegiate	Chapter	Section 56 Region 5
Gamma Phi	Kent State University	Kent	OH	Collegiate	Chapter	Section 59 Region 5
Alpha Delta	Miami University	Oxford	OH	Collegiate	Chapter	Section 56 Region 5
Alpha Gamma Delta	Ohio Northern University	Ada	OH	Collegiate	Chapter	Section 56 Region 5
Alpha Delta	Ohio State University	Columbus	OH	Collegiate	Chapter	Section 59 Region 5
Alpha Gamma Delta	Ohio State University	Athens	OH	Collegiate	Chapter	Section 59 Region 5
Alpha Gamma Delta	University of Akron	Akron	OH	Collegiate	Chapter	Section 59 Region 5

AL0020

Chapter Name	School	City	State	Type	Status	Section/Region
Alpha Phi Omega	University of Cincinnati	Cincinnati	OH	Collegiate	Chapter	Section 56 Region 5
Alpha Phi Omega	University of Dayton	Dayton	OH	Collegiate	Chapter	Section 56 Region 5
Alpha Phi Omega	University of Mount Union	Alliance	OH	Collegiate	Chapter	Section 59 Region 5
Alpha Phi Omega	University of Toledo	Toledo	OH	Collegiate	Chapter	Section 56 Region 5
Alpha Phi Omega	Oklahoma State University	Stillwater	OK	Collegiate	Chapter	Section 32 Region 8
Alpha Phi Omega	University of Oklahoma	Norman	OK	Collegiate	Chapter	Section 32 Region 8
Alpha Phi Omega	University of Tulsa	Tulsa	OK	Collegiate	Chapter	Section 37 Region 8
Alpha Phi Omega	University of Oregon	Eugene	OR	Collegiate	Chapter	Section 8 Region 11
Alpha Phi Omega	Allegheny College	Reading	PA	Collegiate	Chapter	Section 91 Region 2
Alpha Phi Omega	Allegheny College	Meadville	PA	Collegiate	Chapter	Section 64 Region 5
Alpha Phi Omega	Bloomsburg University of Pennsylvania	Bloomsburg	PA	Collegiate	Chapter	Section 90 Region 2
Alpha Phi Omega	Bucknell University	Lewisburg	PA	Collegiate	Chapter	Section 90 Region 2
Alpha Phi Omega	California University of Pennsylvania	California	PA	Collegiate	Chapter	Section 66 Region 5
Alpha Phi Omega	Carlow University	Pittsburgh	PA	Collegiate	Chapter	Section 66 Region 5
Alpha Phi Omega	Chesapeake College	Pittsburgh	PA	Collegiate	Chapter	Section 66 Region 5
Alpha Phi Omega	Chesapeake College	Albany	PA	Collegiate	Chapter	Section 91 Region 2
Alpha Phi Omega	Chesapeake College	Chesapeake	PA	Collegiate	Chapter	Section 64 Region 5
Alpha Phi Omega	Delaware Valley College	DuPont	PA	Collegiate	Chapter	Section 91 Region 2
Alpha Phi Omega	Drexel University	Philadelphia	PA	Collegiate	Chapter	Section 92 Region 2
Alpha Phi Omega	Edinboro University of Pennsylvania	Edinboro	PA	Collegiate	Chapter	Section 64 Region 5
Alpha Phi Omega	Gettysburg College	Gettysburg	PA	Collegiate	Chapter	Section 64 Region 5
Alpha Phi Omega	Gettysburg College	Gettysburg	PA	Collegiate	Chapter	Section 90 Region 2
Alpha Phi Omega	Gettysburg College	Grove City	PA	Collegiate	Chapter	Section 64 Region 5
Alpha Phi Omega	Indiana University of Pennsylvania	Indiana	PA	Collegiate	Chapter	Section 64 Region 5
Alpha Phi Omega	Kutztown University	Kutztown	PA	Collegiate	Chapter	Section 91 Region 2
Alpha Phi Omega	Lebanon Valley College	Annapolis	PA	Collegiate	Chapter	Section 90 Region 2
Alpha Phi Omega	Lehigh University	Bethlehem	PA	Collegiate	Chapter	Section 91 Region 2
Alpha Phi Omega	McMurry College	McMurry	PA	Collegiate	Chapter	Section 91 Region 2
Alpha Phi Omega	Pennsylvania State University	University Park	PA	Collegiate	Chapter	Section 90 Region 2
Alpha Phi Omega	Robert Morris University	Robert Morris	PA	Collegiate	Chapter	Section 65 Region 5
Alpha Phi Omega	Saint Francis University	Lafayette	PA	Collegiate	Chapter	Section 66 Region 5
Alpha Phi Omega	Saint Vincent College	Lebanon	PA	Collegiate	Chapter	Section 66 Region 5
Alpha Phi Omega	Shippensburg University	Shippensburg	PA	Collegiate	Chapter	Section 90 Region 2
Alpha Phi Omega	Susquehanna University	Susquehanna	PA	Collegiate	Chapter	Section 90 Region 2
Alpha Phi Omega	Temple University	Philadelphia	PA	Collegiate	Chapter	Section 92 Region 2
Alpha Phi Omega	University of Pennsylvania	Philadelphia	PA	Collegiate	Chapter	Section 92 Region 2
Alpha Phi Omega	University of Pittsburgh at Bradford	Bradford	PA	Collegiate	Chapter	Section 64 Region 5
Alpha Phi Omega	University of Pittsburgh at Johnstown	Johnstown	PA	Collegiate	Chapter	Section 64 Region 5
Alpha Phi Omega	University of Pittsburgh at Pittsburgh	Pittsburgh	PA	Collegiate	Chapter	Section 64 Region 5
Alpha Phi Omega	University of the Sciences in Philadelphia	Philadelphia	PA	Collegiate	Chapter	Section 92 Region 2
Alpha Phi Omega	Villanova University	Villanova	PA	Collegiate	Chapter	Section 92 Region 2
Alpha Phi Omega	Washington & Jefferson College	Washington	PA	Collegiate	Chapter	Section 65 Region 5
Alpha Phi Omega	Waynesburg University	Waynesburg	PA	Collegiate	Chapter	Section 65 Region 5
Alpha Phi Omega	West Chester University of Pennsylvania	West Chester	PA	Collegiate	Chapter	Section 92 Region 2
Alpha Phi Omega	West Chester University	West Chester	PA	Collegiate	Chapter	Section 64 Region 5
Alpha Phi Omega	Widener University	Chadds Ford	PA	Collegiate	Chapter	Section 92 Region 2
Alpha Phi Omega	International University	San Juan	PR	Collegiate	Chapter	Section 98 Region 4
Alpha Phi Omega	Pontifical Catholic University of Puerto Rico	Ponce	PR	Collegiate	Chapter	Section 98 Region 4
Alpha Phi Omega	University of Puerto Rico/ Rio Piedras	San Juan	PR	Collegiate	Chapter	Section 98 Region 4
Alpha Phi Omega	University of Puerto Rico/Mayaguez	Los Mochis	PR	Collegiate	Chapter	Section 98 Region 4
Alpha Phi Omega	Benedict College	Crofton	SC	Collegiate	Chapter	Section 77 Region 4

AL0021

Chapter Name	School	City	State	Type	Status	Section/Region
Section 77 Region 4	Clemson University	Clemson	SC	Collegiate	Chapter	Section 77 Region 4
Alpha Phi Omega	College of Charleston	Charleston	SC	Collegiate	Chapter	Section 77 Region 4
Alpha Phi Omega	University of South Carolina at Columbia	Columbia	SC	Collegiate	Chapter	Section 77 Region 4
Alpha Phi Omega	Winthrop College	Winthrop	SC	Collegiate	Chapter	Section 77 Region 4
Alpha Phi Omega	East Tennessee State University	Jackson City	TN	Collegiate	Chapter	Section 68 Region 4
Alpha Phi Omega	East Tennessee State University	Nashville	TN	Collegiate	Chapter	Section 70 Region 4
Alpha Phi Omega	King University	Bristol	TN	Collegiate	Chapter	Section 68 Region 4
Alpha Phi Omega	Tennessee State University	Nashville	TN	Collegiate	Chapter	Section 70 Region 4
Alpha Phi Omega	The University of the South	Savannah	TN	Collegiate	Chapter	Section 70 Region 4
Alpha Phi Omega	University of Tennessee at Knoxville	Knoxville	TN	Collegiate	Chapter	Section 68 Region 4
Alpha Phi Omega	Vanderbilt University	Nashville	TN	Collegiate	Chapter	Section 70 Region 4
Alpha Phi Omega	Angelo State University	San Angelo	TX	Collegiate	Chapter	Section 40 Region 7
Alpha Phi Omega	Austin College	Sherman	TX	Collegiate	Chapter	Section 41 Region 7
Alpha Phi Omega	Baylor University	Waco	TX	Collegiate	Chapter	Section 43 Region 7
Alpha Phi Omega	Hardin-Simmons University	Abilene	TX	Collegiate	Chapter	Section 40 Region 7
Alpha Phi Omega	McMurry University	Abilene	TX	Collegiate	Chapter	Section 40 Region 7
Alpha Phi Omega	Saint Edward's University	Austin	TX	Collegiate	Chapter	Section 43 Region 7
Alpha Phi Omega	St. Mary's University	San Antonio	TX	Collegiate	Chapter	Section 43 Region 7
Alpha Phi Omega	Southern Methodist University	Dallas	TX	Collegiate	Chapter	Section 41 Region 7
Alpha Phi Omega	Southwestern University	Georgetown	TX	Collegiate	Chapter	Section 40 Region 7
Alpha Phi Omega	Stephen F. Austin State University	Nacogdoches	TX	Collegiate	Chapter	Section 44 Region 7
Alpha Phi Omega	Tulane State University	Stephenville	TX	Collegiate	Chapter	Section 41 Region 7
Alpha Phi Omega	Texas A&M University	College Station	TX	Collegiate	Chapter	Section 44 Region 7
Alpha Phi Omega	Texas Christian University	Fort Worth	TX	Collegiate	Chapter	Section 41 Region 7
Alpha Phi Omega	Texas State University - San Marcos	San Marcos	TX	Collegiate	Chapter	Section 43 Region 7
Alpha Phi Omega	Texas Tech University	Lubbock	TX	Collegiate	Chapter	Section 40 Region 7
Alpha Phi Omega	Trinity University	San Antonio	TX	Collegiate	Chapter	Section 43 Region 7
Alpha Phi Omega	University of Dallas	Irving	TX	Collegiate	Chapter	Section 41 Region 7
Alpha Phi Omega	University of Houston	Houston	TX	Collegiate	Chapter	Section 44 Region 7
Alpha Phi Omega	University of North Texas	Denton	TX	Collegiate	Chapter	Section 41 Region 7
Alpha Phi Omega	University of Texas at Austin	Austin	TX	Collegiate	Chapter	Section 43 Region 7
Alpha Phi Omega	University of Texas at Dallas	Richardson	TX	Collegiate	Chapter	Section 41 Region 7
Alpha Phi Omega	University of Texas at El Paso	El Paso	TX	Collegiate	Chapter	Section 40 Region 7
Alpha Phi Omega	University of Texas at San Antonio	San Antonio	TX	Collegiate	Chapter	Section 43 Region 7
Alpha Phi Omega	University of the Incarnate Word	San Antonio	TX	Collegiate	Chapter	Section 43 Region 7
Alpha Phi Omega	Bridgewater College	Bridgewater	VA	Collegiate	Chapter	Section 82 Region 3
Alpha Phi Omega	Christopher Newport University	Newport News	VA	Collegiate	Chapter	Section 83 Region 3
Alpha Phi Omega	College of William & Mary	Williamsburg	VA	Collegiate	Chapter	Section 83 Region 3
Alpha Phi Omega	Emory & Henry College	Emory	VA	Collegiate	Chapter	Section 81 Region 3
Alpha Phi Omega	Ferrum College	Ferrum	VA	Collegiate	Chapter	Section 81 Region 3
Alpha Phi Omega	George Mason University	Fairfax	VA	Collegiate	Chapter	Section 82 Region 3
Alpha Phi Omega	James Madison University	Harrisonburg	VA	Collegiate	Chapter	Section 82 Region 3
Alpha Phi Omega	Longwood University	Lynchburg	VA	Collegiate	Chapter	Section 82 Region 3
Alpha Phi Omega	Radford University	Radford	VA	Collegiate	Chapter	Section 83 Region 3
Alpha Phi Omega	Old Dominion University	Norfolk	VA	Collegiate	Chapter	Section 83 Region 3
Alpha Phi Omega	Podiatry University	Boulder	VA	Collegiate	Chapter	Section 81 Region 3
Alpha Phi Omega	Radford University	Radford	VA	Collegiate	Chapter	Section 82 Region 3
Alpha Phi Omega	August University	Virginia Beach	VA	Collegiate	Chapter	Section 83 Region 3
Alpha Phi Omega	Penn State College	Salem	VA	Collegiate	Chapter	Section 81 Region 3
Alpha Phi Omega	The Art Institute of Washington	Arlington	VA	Collegiate	Chapter	Section 82 Region 3

AL0022

Chapter Name	School	City	State	Type	Status	Section/Region
Omega Phi	University of Richmond	Richmond	VA	Collegiate	Chapter	Section 83 Region 3
Omega	University of Virginia	Charlottesville	VA	Collegiate	Chapter	Section 82 Region 3
Alpha Delta Phi	Virginia Commonwealth University	Richmond	VA	Collegiate	Chapter	Section 83 Region 3
Alpha Phi	Virginia Polytechnic Institute & State University	Blacksburg	VA	Collegiate	Chapter	Section 81 Region 3
Alpha Kappa Phi	University of Vermont	Burlington	VT	Collegiate	Chapter	Section 94 Region 1
Sigma Phi	Seattle University	Seattle	WA	Collegiate	Chapter	Section 8 Region 11
Chi Omega Alpha	University of Washington	Seattle	WA	Collegiate	Chapter	Section 8 Region 11
Phi Kappa Phi	University of Wisconsin-Eau Claire	Eau Claire	WI	Collegiate	Chapter	Section 27 Region 9
Delta Phi	University of Wisconsin-Madison	Madison	WI	Collegiate	Chapter	Section 27 Region 9
Chi Omega	University of Wisconsin-Madison	Madison	WI	Collegiate	Chapter	Section 27 Region 9
Phi Kappa Phi	University of Wisconsin-Stout	Menomonie	WI	Collegiate	Chapter	Section 27 Region 9
Phi Kappa Phi	University of Wisconsin-Milwaukee	Whitefish	WI	Collegiate	Chapter	Section 27 Region 9
Alpha Phi Omega	Buckner College	Belmar	WV	Collegiate	Chapter	Section 65 Region 5
Alpha Kappa Phi	Canisius University	Athens	WV	Collegiate	Chapter	Section 61 Region 5
Phi Alpha	Beth & Eliza College	Elkins	WV	Collegiate	Chapter	Section 61 Region 5
Chi Omega	Marshall University	Huntington	WV	Collegiate	Chapter	Section 61 Region 5
Phi Kappa Phi	Salem International University	Salem	WV	Collegiate	Chapter	Section 61 Region 5
Alpha Phi Omega	Shepherd University	Shepherdstown	WV	Collegiate	Chapter	Section 61 Region 5
Alpha Phi	West Virginia Univ. Institute of Technology	Montgomery	WV	Collegiate	Chapter	Section 61 Region 5
Phi Kappa Phi	West Virginia University	Morgantown	WV	Collegiate	Chapter	Section 61 Region 5
Alpha Phi Omega	West Virginia Wesleyan College	Buckhannon	WV	Collegiate	Chapter	Section 61 Region 5

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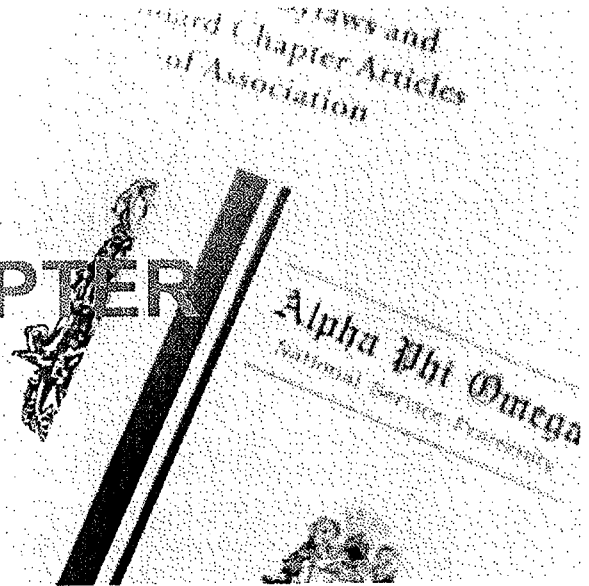
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\$15 AND UNDER

\$20 AND UNDER

\$25 AND UNDER

\$30 AND UNDER

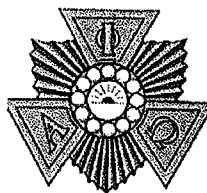
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\$75 AND UNDER

\$100 AND UNDER

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LARGE PIN WATER DECAL  
#DECSPIN  
\$2.00 \$4.00  
VIEW



SMALL PIN WATER DECAL  
#DECSPIN  
\$1.00 \$3.00  
VIEW



ZIPPER NAVY TOTE -  
#TOTE  
\$12.00 \$15.00  
VIEW



BLUE COFFEE MUG -  
#COFMAUGBL  
\$4.00 \$7.00  
VIEW



LARGER SIZE GRAY T-SHIRT -  
#GRAYTSHIRTL  
\$7.00 \$15.00  
VIEW



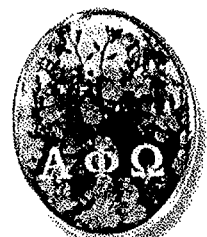
NAVY T-SHIRT - #TSHIRTS  
\$7.00 \$15.00  
VIEW



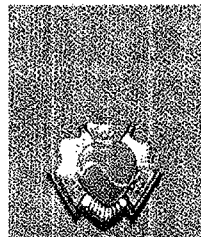
GRAY T-SHIRT -  
#TSHIRTGRAY  
\$7.00 \$12.00  
VIEW



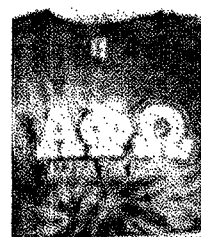
COLORLED BRACELET -  
#BRACELET  
\$26.00 \$30.00  
VIEW



FORGET ME NOT -  
#PINFLOWER  
\$3.00 \$6.00  
VIEW



SWEET HEART PIN -  
#SWEETHEART  
\$64.00 \$69.00  
VIEW



FITTED TIE-DYE T-SHIRTS  
- #TIE-DYE TSHIRT  
\$12.00 \$20.00  
VIEW



NAVY SWEATSHIRTS -  
#SWEAT  
\$10.00 \$20.00  
VIEW

AL0030



GRAY SWEATSHIRT -  
#SWEATGRAY  
\$10.00 \$24.00  
VIEW



FITTED RHINESTONE T-  
SHIRTS - #RHINESTONE  
\$15.00 \$24.00  
VIEW



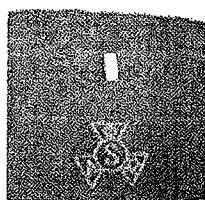
LARGER SIZE'S TORCH  
LOGO POLO - #LPOLO-  
NEW TORCH  
\$20.00 \$24.00  
VIEW



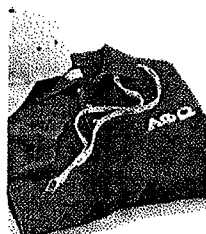
TORCH LOGO POLO -  
#POLO-NEW TORCH  
\$20.00 \$24.00  
VIEW



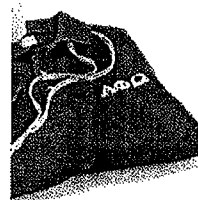
PAJAMA PANTS -  
#PJPANTS  
\$14.00 \$24.00  
VIEW



NAVY FITTED TSHIRT  
WITH GOLD STUDS -  
#NAVY/GOLD STUD  
\$12.00 \$24.00  
VIEW



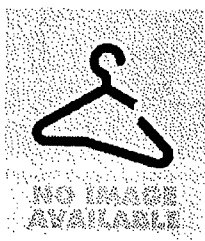
GOLF POLO S - #GOLF  
\$30.00 \$40.00  
VIEW



LARGER SIZE'S GOLF  
POLO - #LGOLF  
\$32.00 \$42.00  
VIEW



FITTED GIRLS T-SHIRT -  
#FITTED GIRLS T  
\$12.00 \$20.00  
VIEW



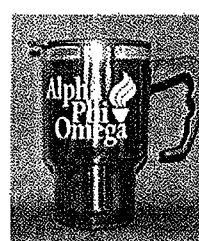
DENIM BUTT ON SHIRT  
#DENIM  
\$25.00 \$40.00  
VIEW



NYLON CINCH BAG -  
#SLING BAG  
\$10.00 \$15.00  
VIEW



GOLD CLAD ORNAMENT -  
#ORNAMENTS  
\$6.00 \$10.00  
VIEW



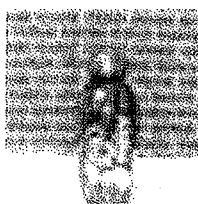
TRAVEL MUG - #MUGNEW  
14OZ  
\$6.00 \$10.00  
VIEW



LICENSE PLATE HOLDER -  
#LICENSEPLATECHROME  
\$7.00 \$10.00  
VIEW



22OZ WATER BOTTLE -  
#LEXAN BOTTLE 22 OZ  
\$5.00 \$10.00  
VIEW

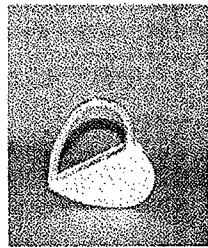


34OZ WATER BOTTLE -  
#LEXAN BOTTLE  
\$7.00 \$12.00  
VIEW



LAZER ENGRAVED KNIFE -  
#KNIFE  
\$8.00 \$14.00

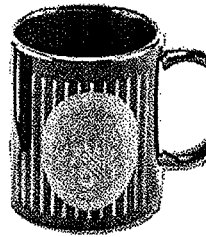
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REVERSIBLE KEY RING -  
#KEYRINGREV  
\$8.00 \$16.00  
VIEW



CLOISONNE KEYRING -  
#KEYRINGCLOIS  
\$4.00 \$8.00  
VIEW



EXECUTIVE MUG -  
#EXECMUG  
\$7.00 \$14.00  
VIEW



MULTI DECAL SHEET -  
#DECMULTI  
\$6.00 \$12.00  
VIEW



LARGE CREST WATER  
DECAL - #DECLARGE  
\$2.00 \$4.00  
VIEW



INSIDE MOUNTING CREST  
DECAL - #DECGREEK  
\$2.00 \$4.00  
VIEW



CREST DECAL WITH  
LETTERS - #DECCREST  
\$2.00 \$4.00  
VIEW



REFLECTIVE APO DECAL -  
#DECALREFLECTIVE  
\$4.00 \$8.00  
VIEW



DECK OF CARDS -  
#CARDPLAY  
\$5.00 \$10.00  
VIEW



WAVE BILL CAP - #CAPS-  
NAVY  
\$10.00 \$18.00  
VIEW



CERAMIC CANDY JAR -  
#CANJAR  
\$6.00 \$12.00  
VIEW



MENS SILVER RING -  
#RING - WIDE  
\$40.00 \$45.00  
VIEW



WOMENS RING - #RING -  
THIN  
\$35.00 \$40.00  
VIEW



GIRLS SLEEP SHIRT WITH  
STUFF SACK - #183  
\$16.00 \$18.00  
VIEW

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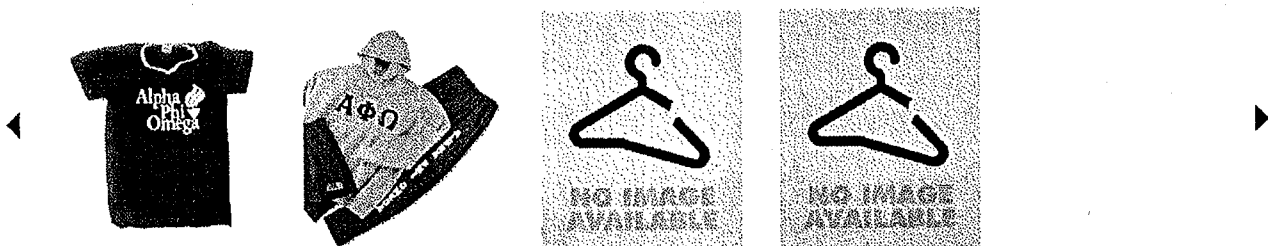
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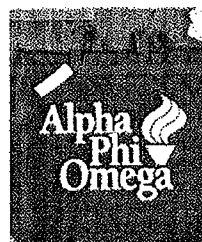
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FOUR SEGMENT  
JAMBOREE PATCH -  
#4JAMBOPATCH  
\$11.50  
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ONE PIECE JAMBOREE  
PATCH - #1JAMBOPATCH  
\$22.00  
[VIEW](#)



ZIPPER NAVY TOTE -  
#TOTE  
\$12.00 \$35.00  
[VIEW](#)



GRADUATION CORDS -  
#CORDS  
\$15.00  
[VIEW](#)



BLUE COFFEE MUG -  
#COFMUGBL  
\$4.00 \$7.00  
[VIEW](#)



NYLON CINCH BAG -  
#SLING BAG  
\$10.00 \$15.00  
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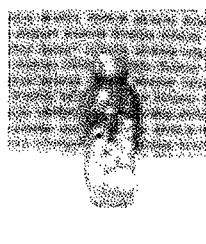
GOLD CLAD ORNAMENT -  
#ORNAMENTS  
\$6.00 \$16.00  
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LICENSE PLATE HOLDER -  
#LICENSEPLASTICCHROME  
\$7.00 \$10.00  
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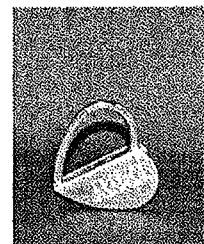
22 OZ WATER BOTTLE  
#LEXAN BOTTLE 22 OZ  
\$6.00 \$10.00  
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22 OZ WATER BOTTLE  
#LEXAN BOTTLE  
\$7.00 \$12.00  
[VIEW](#)



LAZER ENGRAVED KNIFE  
- #KNIFE  
\$8.00 \$11.00  
[VIEW](#)

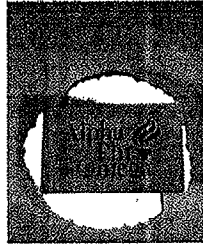


REVERSIBLE KEY RING -  
#KEYRINGREV  
\$8.00 \$10.00  
[VIEW](#)

AL0035



CLOISONNE KEYRING -  
#KEYRINGCLOIS  
\$4.00 \$5.00  
VIEW



DECK OF CARDS -  
#CARDPLAY  
\$5.00 \$6.00  
VIEW



WAVE BILL CAP - #CAPS-  
NAVY  
\$10.00 \$15.00  
VIEW



CERAMIC CANDY JAR -  
#CANJAR  
\$6.00 \$8.00  
VIEW



PIN EMBLEM PATCH -  
#EMDPIN  
\$3.00  
VIEW



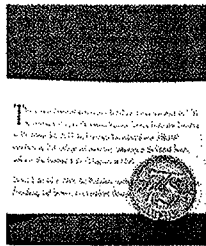
COAT-OF-ARMS PATCH -  
#EMCOPR  
\$3.00  
VIEW



EMBOSSSED GOLD NOTE  
CARDS - #EMCREGLD  
\$12.00  
VIEW



75TH HISTORY CD -  
#75THCD  
\$7.00  
VIEW



75TH MEDALLION -  
#75THCOIN  
\$4.00  
VIEW



NYLON BANNER -  
#BANNYLON  
\$65.00  
VIEW



EMBOSSSED NOTE CARDS  
- #EMCREWHIT  
\$10.00  
VIEW

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JEWELRY



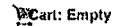
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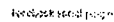
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BOTTOMS



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PAJAMA PANTS -  
#PJ PANTS  
\$14.00 ~~\$22.00~~  
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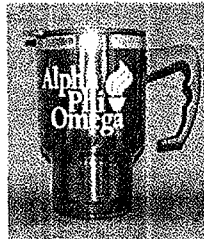
COFFEE MUGS

## GLASSWARE

FILTER BY SORT BY: WHAT'S NEW | LOW PRICE | HIGH PRICE



BLUE COFFEE MUG -  
#COFMUGBL  
\$4.00 \$7.00  
[VIEW](#)



TRAVEL MUG - #MUGNEW  
1402  
\$6.00 \$10.00  
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EXECUTIVE MUG -  
#EXECMUG  
\$7.00 \$10.00  
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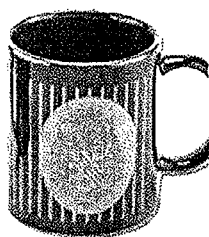
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COFFEE MUGS

## GLASSWARE



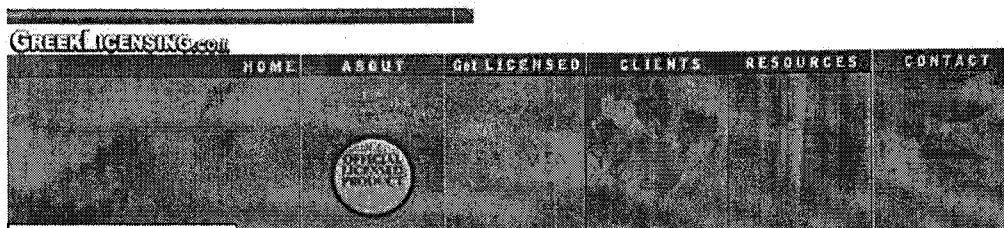
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**Something Greek** (800) 247-3352 [www.somethinggreek.com](http://www.somethinggreek.com)  
[art@somethinggreek.com](mailto:art@somethinggreek.com)

Appliqué, screen printing, embroidery, blankets, glassware, keepsake boxes, tote bags, shoulder bags, back bags, backpacks, jewelry, paper goods and frames

**SOS Advertising** (540) 442-9226 [sosadsinfo@gmail.com](mailto:sosadsinfo@gmail.com)

Screen printing and embroidery on apparel, blankets, candles, sports decals, gifts, glassware, jewelry, office supplies and paper goods.

**Spearhead Promotions LLC** (310) 276-6697 [www.spearheadpromotions.com](http://www.spearheadpromotions.com)  
[sandi@spearheadpromotions.com](mailto:sandi@spearheadpromotions.com)

Screen printing and embroidery on t-shirts, sweatshirts, shorts, tank tops, sweatpants, travel mugs, beach balls and sunglasses.

**Special T's** (386) 738-3786 [Specialts1980@yahoo.com](mailto:Specialts1980@yahoo.com)

Sewn on lettered t-shirts and sweatshirts

**Spirit Football Jersey** (213) 784-0254 [www.spiritfootballjersey.com](http://www.spiritfootballjersey.com)  
[jake@spiritfootballjersey.com](mailto:jake@spiritfootballjersey.com)

Screen printing on football jerseys, t-shirts, sweatshirts, jumpsuits, sweatpants and shorts.

**Spirit Products, LTD** (978) 372-2022 [www.spiritproducts.com](http://www.spiritproducts.com)  
[mcamacho@spiritproducts.com](mailto:mcamacho@spiritproducts.com)

Screen printing and embroidery on t-shirts, sweatshirts, shorts, sweatpants, lanyards, frames, totes, mugs, key tags and travel coffee mugs

**Sport About / 7 Days A Greek** (970) 221-0129 [www.7daysagreek.com/](http://www.7daysagreek.com/)  
[7daysagreek@gmail.com](mailto:7daysagreek@gmail.com)

Twill beltboard t-shirts, sweatpants and sweatshirts

**St. Albans Promotions / On the Edge** (314) 795-1403 [www.otepromo.com](http://www.otepromo.com)  
[dflanagan01@earthlink.net](mailto:dflanagan01@earthlink.net)

Screen printing and embroidery on t-shirts, sweatshirts, shorts, pants, polo shirts, hats, bags, mugs, flip flops, water bottles and custom USB flash drives.

**Stacy's Got Greek** (570) 242-1715 [stacysgotgreek@ymail.com](mailto:stacysgotgreek@ymail.com)

AL0048



T-shirts, tank tops, sweatshirts, pants and shorts with screen on letters

**Stuff4Greeks** (770) 596-4115 [www.stuff4greeks.com](http://www.stuff4greeks.com)  
monica@s4g.com

Appliqued and embroidered t-shirts, sweatshirts, jackets and sweaters

**SuitUp LLC** (703) 278-8202 [sales@suitupnow.com](mailto:sales@suitupnow.com)

Appliqued t-shirts, sweatshirts, jackets, sports bags, hats, tote bags, graduation stoles and koozies.

**Sweaty Bands, LLC** (513) 871-1222 [www.sweatybands.com](http://www.sweatybands.com)  
lisafleming@sweatybands.com

Sweaty Bands - fitness and fashion headbands

**The College Shop** (952) 854-8350 [www.gocollegeshop.com](http://www.gocollegeshop.com)  
ucollegeshop@hotmail.com

Custom appliqued apparel

**The Graphic Cow** (800) 472-3269 [www.grafcow.com](http://www.grafcow.com)  
lin@grafcow.com

Customized and stock T-shirts, sweatshirts, embroidered polo shirts, cups and caps/sensors. Screenprinting available. We have hundreds of available designs!

**The Graphic Edge** (800) 747-9744 [www.thegraphicedge.com](http://www.thegraphicedge.com)  
Lindsayr@thegraphicedge.com

Screen printing and embroidery on t-shirts, sweatshirts, shorts and sweatpants

**The Sash Company, Inc.** (760) 956-7891 [www.thesashcompany.com](http://www.thesashcompany.com)  
angelique@thesashco.com

Graduation stoles

**The University Shop, Inc.** (888) GREEKS-1 [univshop@aol.com](mailto:univshop@aol.com)

Screen printing, embroidery and appliqued apparel, glassware, key tags, beanie mascots, decals, note pads, frames, pens, lanyards, bow sets, watches, make-up bags, tote bags and candles.

**Tough Gear, Inc. d/b/a Survival Straps** (904) 373-3232 [www.survivalstraps.com](http://www.survivalstraps.com)  
daryl@survivalstraps.com

Survival bracelets and necklaces made from military spec paracord and can be unraveled in an emergency to provide 550 lb test to cord to help you survive. Also have paracord key fobs, gear tags, lanyard and neck cords.

**UberPrints, Inc.** (866) 440-8237 [www.uberprints.com](http://www.uberprints.com)  
marketing@uberprints.com

Custom screen printed t-shirts, sweatshirts, tank tops, shorts and creepers (baby outfits)

**Ultimate Exposures, Inc.** (877) ULT-EXPO [www.ultimateexposures.com](http://www.ultimateexposures.com)  
chris@ultimateexposures.com

Ultimate Exposures has offered the highest quality composites in the business since 1987. We utilize the traditional handcrafted techniques to create true art that will last. Ultimate Exposures works around your schedule, you call the dates, time, and design options. We work for you! We offer an optional online sign up system, email proofing, and onsite consultants to help you pick your pose and design your composite. We are the local Party Pics photographers in California! Contact us for your Bid Days, Invites, Presents, Exchanges and Formals. Ultimate Exposures has over 20 years of experience in the Greek community.

**UnderGrand Creative** (630) 677-7501 [www.undergrandcreative.com](http://www.undergrandcreative.com)  
undergrandcreative@gmail.com

Screen printing on t-shirts

**Underground Printing** (800) 242-4787 [www.undergroundshirts.com](http://www.undergroundshirts.com)  
sales@undergroundshirts.com

Screen printing and embroidery on t-shirts, sweatshirts, shorts, sweatpants, tank tops, hats, 16 oz collectors glasses, 3 oz collectors glasses, 32 oz polycarbonate bottles and BIC ClicStic pens.

**Unique Impressions** (800) 504-2618 [www.uniqueonline.com](http://www.uniqueonline.com)  
DonnaatUnique@aol.com

Custom screen printing, embroidery, padlocks, glassware, jewelry, gift items and paper goods.

**University Connection** (702) 736-9179 [www.universityconnection.net](http://www.universityconnection.net)  
ikat@universityconnection.net

Screen printing, embroidery and appliqued apparel

**University Graphix** (949) 515-2947 [www.universitygraphix.com](http://www.universitygraphix.com)  
universitygraphix@gmail.com

Custom screen printed t-shirts

**University Sports Shop / Embroidery House** (309) 673-4384 [mail@theunivshop.com](mailto:mail@theunivshop.com)

Screen printing, embroidery and appliqued apparel including hoods, crewneck sweatshirts, jackets, hats, t-shirts and polos, blankets and bags.

**University Tees, Inc. / On Point Promos** (800) 460-8337 [www.universitytees.com](http://www.universitytees.com)  
ioe@universitytees.com

Screen printing on T-shirts, long sleeve tees, hooded sweatshirts and polo shirts.

**Urban Sparrow LLC** (805) 732-8369 [www.urbansparrowdesigns.com](http://www.urbansparrowdesigns.com)  
sales@urbansparrowdesigns.com

Hand stamped sterling and gold filled jewelry

**Vantine Imaging** (888) 639-9806 [www.vantineimaging.com](http://www.vantineimaging.com)  
ext. 732 dvanline@vantineimaging.com

AL0049

Nation-wide leader in composite photography. Fastest delivery time in the country... 45 business days, guaranteed. Highest rated customer service. Technologically advanced production process. Over 65 years of experience.

**Wendy's Fashion  
Embroidery**

(916) 362-2071

[wendysembroidery@comcast.net](mailto:wendysembroidery@comcast.net)

Embroidered t-shirts, crewneck sweatshirts, hoodies, line jackets, baseball jackets, stoles and tote bags.

**Whatever The Letter, L.L.C.**

(570) 368-5525

[www.whatevertheletter.com](http://www.whatevertheletter.com)  
[iswtl@comcast.net](mailto:iswtl@comcast.net)

Printed and sewn on letters on t-shirts, sweatshirts, sweatpants and shorts.

**Zazzle Inc.**

(888) 892-9953

[www.zazzle.com](http://www.zazzle.com)  
[melanie@zazzle.com](mailto:melanie@zazzle.com)

Screen printing and embroidery on t-shirts, sweatshirts, bags, aprons, business cards, stationery, cards, mouse pads, binders, calendars, custom postage, posters, stickers, buttons, magnets, key chains, skate boards and shoes.

Or ask for products from these officially licensed wholesalers at a store near you. Please contact AMC if you are interested in purchasing from any of these manufacturers.

**Manufacturer**

**A Greek Concept**

**All that JAS**

**Ann Peden Jewelry**

**Bev Key Inc.**

**C.C. Creations**

**Campus I.D. Inc.**

**Campus Lettering and Embroidery**

**Chica Bands, LLC**

**Club Colors Buyer, LLC**

**CollegeWear, Inc.**

**Craftique Mfg Co.**

**Decade Productions, LLC – DBA Dog Prints, DBA The Social Life**

**GREEK CREATIONS**

**Greek Girl Outfitters / It's a Wrap Ideas, LLC**

**Greek101.com / Campus T-Shirt**

**GREEKGEAR.COM**

**Halo Branded Solutions**

**Jenna Benna & Co., LLC**

**Kotis Design**

**Lucchese, Inc.**

**Maxx Sunglasses**

**Megagreekstore.com / Off Campus Bookstore**

**Modern China Co.**

**PrIS'e Creatlons LLC**

**Pure Country, Inc.**

**Rah Rah Company**

**RFQ LLC dba Promoversity**

**Spirit Football Jersey**

**Spirit Products, LTD**

**Stuff4Greeks**

**Sweaty Bands, LLC**

**AL0050**

**The Sash Company, Inc.**

**Tough Gear, Inc. d/b/a Survival Straps**

**Urban Sparrow LLC**

**Wendy's Fashion Embroidery**

[Back to Top](#)

**AL0051**

# LICENSE AGREEMENT

Representing the agreement between  
the Alpha Phi Omega Fraternity, a fraternal organization

Agreement No. A37614

and

SOS Advertising  
110 W. Grace Street  
Harrisonburg, VA 22801

THIS LICENSE AGREEMENT is made and entered into this 20th day of July, 2010, by and between the Alpha Phi Omega Fraternity, of 14901 East 42nd Street, Independence, MO, hereinafter referred to as "Fraternity" and SOS Advertising, of 110 W. Grace Street, Harrisonburg, VA, hereinafter referred to as "Licensee".

WHEREAS, Fraternity has adopted various distinct insignia for the utilization of the membership of the Fraternity, which insignia are the subject of various registrations issued to Fraternity by the United States Patent and Trademark Office and as a result of long term utilization of said insignia by members of the Fraternity, considerable goodwill has inured to the benefit of Fraternity; and

WHEREAS, Licensee desires to produce or have produced for it, items which will utilize certain of the insignia of Fraternity; and

WHEREAS, the Parties to this License Agreement wish to set forth in writing each and every term and condition of Fraternity's grant to Licensee of the limited right to utilize certain of the insignia of Fraternity

Now, THEREFORE, in consideration of the covenants, conditions and stipulations contained herein, the parties hereto agree as follows:

1. GRANT OF LICENSE: For the duration of this agreement and pursuant to each and every condition hereinafter set forth, Fraternity hereby grants to Licensee the non-exclusive right to utilize the following insignia of Fraternity:

Name "Alpha Phi Omega", "APO Leads", "APO Impact", Greek letters of Organization, crest, badge and flag, among others specified by Organization from time to time.

2. ACKNOWLEDGEMENT OF PROPRIETARY RIGHTS: Licensee acknowledges the ownership by Fraternity of each of these insignia and the goodwill associated therewith and agrees that it will do nothing inconsistent with such ownership and agrees that all goodwill associated with the use of the insignia by Licensee shall inure to the benefit of Fraternity. Licensee agrees that nothing in this License Agreement shall give Licensee any right, title or interest in the insignia other than the limited right to use the insignia of Fraternity and only within the scope of each of the terms and conditions of this License Agreement and Licensee agrees that it will neither question nor otherwise attack the ownership by Fraternity of any of its insignia.

3. LICENSED PRODUCTS: Licensee is granted the non-exclusive right to utilize the insignia specifically referenced in paragraph 1 above only in relation to the following products:

See appendix A

4. **QUALITY CONTROL:** In order to protect the goodwill associated with Fraternity and its insignia, Licensee agrees that in relation to any of its merchandise utilizing Fraternity's insignia, Licensee will maintain the high quality associated with Fraternity and its licensed merchandise.

Licensee shall not commence marketing of any merchandise utilizing Fraternity's insignia until a representative sample of merchandise and/or marketing materials, as specified in the Licensing Application instructions, has been provided to Fraternity and specifically approved in writing by Fraternity. Every year thereafter, Licensee shall again provide to Fraternity representative samples of any merchandise which utilizes Fraternity's insignia and/or marketing materials in association with any merchandise which Licensee is requesting the right to market in association with any application for renewal of this License Agreement. Should any licensed merchandise prove defective or reasonably unacceptable for any other reason, within a reasonable period of time following purchase of same and upon request, Licensee shall provide the purchaser with a full refund or replacement merchandise, whichever the purchaser prefers.

Should any licensed merchandise prove defective or reasonably unacceptable for any other reason, within a reasonable period of time following purchase of same and upon request, Licensee shall provide the purchaser with a full refund or replacement merchandise, whichever the purchaser prefers.

Fraternity has the right and authority to regularly monitor the quality of any merchandise and/or marketing materials within the scope of this License Agreement and if in the exercise of its discretion, Fraternity determines that the quality of any of the licensed merchandise and/or marketing materials has decreased below Fraternity's standards, including but not limited to those described in Appendix C, it shall notify Licensee in writing of its objections to the quality of the merchandise and/or marketing materials, which notice shall advise Licensee of the specific requirements necessary to satisfy Fraternity's quality standards. Following Licensee's receipt of said notice, Licensee shall immediately cease and desist from the marketing of any merchandise which Fraternity claims has decreased below Fraternity's quality standards and shall not resume the marketing of any such merchandise until the quality of said merchandise and/or marketing materials are improved to the extent of being in compliance with any reasonable quality control demands imposed by Fraternity.

Following Licensee's receipt of any notice from Fraternity notifying Licensee of objections relating to the quality of its merchandise, Licensee shall have thirty (30) days, or any such longer period of time agreed upon by the parties to resume production of merchandise acceptable to Fraternity and upon Licensee's failure to timely so comply with any of Fraternity's reasonable quality control demands, this License Agreement shall be immediately terminable by Fraternity.

5. **MARKING:** Licensee shall identify each licensed article as an officially licensed product of Fraternity by incorporating the "Official Licensed Product" seal shown in Appendix B on a sticker, tag, label, imprint, or other appropriate method. In addition, all marketing, promotional and advertising pieces associated with the licensed products of Fraternity must also be represented in the aforementioned manner. The Licensee shall also identify each licensed product with the appropriate service mark or trademark symbol in a manner specified in the artwork provided by Fraternity upon license approval or as otherwise specified from time to time in writing by Fraternity. The "Official Licensed Product" is the exclusive property of Affinity Consultants. Authorization for use, unless otherwise specified within the terms of this License Agreement, must be obtained from Affinity Consultants prior to use. Affinity Consultants retains the right to reject requested use of the "Official Licensed Product" seal.

6. **ROYALTY:** In relation to all merchandise marketed by or on behalf of Licensee utilizing any of Fraternity's insignia, Licensee shall pay to Fraternity a royalty calculated as follows:

**8.5% of gross sales and a \$40 annual advanced, minimum guaranteed royalty.**

Within thirty (30) days following the end of each calendar quarter, Licensee shall provide Fraternity with a precise accounting showing the calculation of the royalty owing, along with payment of the royalty owing for said calendar quarter. The quarterly accounting shall include sufficient detail to clearly and understandably provide Fraternity with any and all information which is to be taken into account in association with the calculation of the royalty owing and, if requested by Fraternity in association with any accountings, Licensee shall accurately complete and provide Fraternity with any forms of accounting reasonably specified by Fraternity.

Any royalty or other amount owing from Licensee to Fraternity which is not paid within seven (7) days of the due date thereof shall accrue interest at the rate of ten (10%) percent per annum. Any royalty report not received within seven (7) days of the due date thereof shall incur an administrative fee of fifteen (\$15) dollars for late royalty reports, which shall be bill separate from and in addition to all royalties owed, if any.

7. **RECORD KEEPING/AUDIT RIGHTS:** For a period of at least three (3) years following each transaction involving merchandise containing Fraternity insignia, Licensee agrees to maintain true, correct and orderly records in conformity with reasonably recognized accounting standards, including all production records, order forms and purchase orders reflecting the total quantity of licensed merchandise manufactured and the total quantity of licensed merchandise sold or otherwise distributed, including true, accurate and complete accounting records of all consideration received by or on behalf of Licensee in relation to any licensed merchandise produced by or on behalf of Licensee, as well as any other records reasonably specified by Fraternity.

The records to be kept by Licensee shall be reasonably available for audit or inspection by or on behalf of Fraternity.

Should any such inspection or audit disclose that royalties paid to Fraternity were less than the amount actually owing, Licensee shall forthwith pay to Fraternity the deficiency with interest at the rate of ten (10%) percent per annum from the date when the deficient amount should have been paid to Fraternity. Furthermore, should the audit or inspection disclose that royalties paid by Licensee were intentionally understated in any amount, or unintentionally understated in an amount of at least five (5%) percent less than the actual royalty owing for any quarterly period, Licensee shall be responsible to immediately reimburse Fraternity for all fees and expenses incurred by Fraternity in relation to the inspection or audit.

8. **INSURANCE:** The Licensee is obligated to maintain comprehensive general and product liability insurance protecting against claims of any sort for loss or damage arising out of the design, manufacture or marketing of licensed products, said liability insurance to be maintained in the face amount of one million dollars (\$1,000,000.00), which policy of insurance shall name Fraternity as a co-insured and shall provide that Fraternity is to be given at least thirty (30) days notice from the insurer prior to cancellation or amendment of such insurance policies. The Licensee shall provide Fraternity with certificates of insurance evidencing that the required insurance has been procured before commencing with the manufacture or marketing of any merchandise bearing insignia of Fraternity. Should the Licensee fail to maintain the required insurance, Fraternity may, but is not required to, procure same and the Licensee shall promptly reimburse Fraternity for the cost of same.

9. **DURATION:** This License Agreement shall remain in effect up through the 30th day of June next following the execution of this agreement and is automatically renewed for an additional year in accordance with the next paragraph hereof unless either party mails written notice to the other party on or before May 31 of the then current year notifying the other party that this agreement will not be renewed and will terminate effective June 30 of that year.

10. **POTENTIAL RENEWAL:** Unless terminated by either party pursuant to any of the terms and conditions of this License Agreement, this License Agreement is automatically renewed for an additional year beginning on July 1, pursuant to the following conditions:

- a. At the written request of Fraternity, Licensee will provide representative samples of any merchandise, which Licensee wishes to market pursuant to a renewal of this License Agreement;
- b. Fraternity shall have thirty (30) days to examine said merchandise and in its sole discretion determine whether to deny renewal of this License Agreement in relation to any or all of said proposed items;
- c. Should Fraternity elect not to renew this License Agreement in relation to any of the proposed merchandise, it will provide Licensee with written notice of such, along with specification of which items of the proposed merchandise are not approved for the renewal year.

11. **DEFAULT:** Fraternity shall have the right to terminate this License Agreement prior to the duration thereof pursuant to the following conditions:

- a. Fraternity has the right to immediately terminate this License Agreement through written notice to Licensee upon the occurrence of any of the following situations:
  - (1) Willful and material falsification of any records required to be maintained or reports required to be provided by the Licensee to Fraternity;
  - (2) Willful and material deception of customers in relation to the production, marketing or other distribution of products containing Fraternity insignia;
  - (3) Failure of the Licensee to maintain liability insurance in compliance with paragraph 8 of this License Agreement.

b. Fraternity has the right to terminate this License Agreement upon thirty (30) days written notice to the Licensee specifying the details of the grounds for termination and advising that unless the Licensee immediately proceeds to cure and does cure the default(s) within said thirty (30) days, the License Agreement can be terminated in any of the following situations:

- (1) Delinquency in payment of any sums owing to Fraternity;
- (2) Inability to conduct the licensed business such as through insolvency, attachment of assets, liquidation, receivership or some other order of a court, administrative agency or other governmental official or body;
- (3) Misuses or unauthorized use of the insignia of Fraternity or any other conduct which in the judgment of Fraternity is detrimental to the goodwill of Fraternity or otherwise injurious to the best interest of Fraternity licensing program;
- (4) Failure to comply with any other obligation imposed on the Licensee by or through this License Agreement.

12. OBLIGATIONS UPON TERMINATION: The continuing obligations of the Licensee after termination or expiration of this License Agreement are as follows:

- a. To pay any sums then or subsequently owing to Fraternity;
- b. To cease any production, use, marketing or distribution of any merchandise bearing the insignia of Fraternity and Licensee shall cease holding itself out as being a Licensee of, or otherwise affiliated with, Fraternity and the Licensee shall not advertise or otherwise publicize the former affiliation with Fraternity;
- c. Fraternity, in its sole discretion, has the option to purchase from Licensee any portion of the supplies or materials remaining on hand containing any of the insignia of Fraternity which items shall be provided to Fraternity at cost; and
- d. Licensee shall destroy any other items on hand bearing Fraternity insignia or otherwise remove such insignia from any merchandise, equipment, fixtures and structures as to any items remaining on hand bearing the insignia of Fraternity which Fraternity does not wish to purchase pursuant to subsection above.

13. NO WAIVER: The failure of either party to exercise any power or right under this License Agreement or to insist at any time upon the strict compliance with any of the provisions hereof shall not constitute a waiver of said party's right to thereafter demand exact compliance with the terms hereof. A waiver shall only be effective if it is contained in a writing signed by the party against whom the waiver is claimed and shall not preclude that party from declaring default as to any further continuation or occurrence of that or any other grounds to declare default of this License Agreement.

14. NO AGENCY: Licensee acknowledges that this License Agreement does not in any way establish Licensee as an agent or employee of Fraternity. Licensee acknowledges that it is entering into this agreement solely to become a Licensee of Fraternity with no right or authority to assume or create any obligation on behalf of Fraternity.

15. INDEMNIFICATION: Should Fraternity receive any claim or otherwise incur any liability relating to any loss as a result of any claim relating to any alleged actions or omissions of Licensee, Fraternity shall be indemnified and held harmless by the Licensee from any such claim or loss including any costs and reasonable attorneys' fees incurred by Fraternity to defend against same.

16. INVALIDITY OF TERMS: Any provision of this Agreement prohibited by law shall be ineffective to the extent of such prohibition without invalidating the remaining provisions of this Agreement.

17. NOTICES: Any notices required to be given pursuant to this License Agreement should be addressed as follows:

LICENSOR: Executive Director  
Alpha Phi Omega Fraternity  
14901 East 42nd Street  
Independence, MO 64055-7347

LICENSEE: SOS Advertising  
110 W. Grace Street  
Harrisonburg, VA 22801

18. BREACH OF CONTRACT: Should Licensee materially breach any provision of this License Agreement, it shall be required to pay any reasonable attorneys' fees, as well as any litigation or other expenses resulting there from incurred by Fraternity.

19. BINDING EFFECT: This License Agreement is not assignable by either party and shall be binding upon any employees, agents, heirs, executors, administrators, assigns, or successor in interest of any of the parties.

20. ENTIRE AGREEMENT: This License Agreement contains the entire understanding and agreement between the parties, and any statements, promises, or inducements made by either party, or agent of either party, that is not contained in this License Agreement shall not be valid or binding, nor may this License Agreement be enlarged, modified, or altered, except in writing signed by the parties.


21. CHOICE OF LAW: This License Agreement shall be interpreted and applied according to the laws of the State of Missouri.

IN WITNESS WHEREOF, the parties have executed this License Agreement this day and year first above written.


Fraternity:  
Alpha Phi Omega Fraternity

Licensee:  
SOS Advertising

By:

  
Signature  
Robert J. Conley, Exec. Dir.  
Print name and title

By:

  
Signature  
Ryan Sacco, Owner  
Print name and title



Appendix A

Agreement No. A37614

General Product description: Screen printing and embroidery on apparel, blankets, candles, sports decals, gifts, glassware, jewelry, office supplies and paper goods

Product Number

Product Description

Price

- 1.
- 2.
- 3
- 4.
- 5
- 6.
- 7.
- 8.
- 9.
- 10.

See  
list

Please use additional pages if needed.

LIST OF PRODUCTS:

T-shirts	<del>Business Cards</del> <i>Not granted</i>	*Glass Cups: come in
Tank Tops	Postcards	2oz increments, 2oz-22oz
Jackets	Flyers	2oz
Hats	Flying Discs	4oz
Golf Shirts	Sport Balls	6oz
Button Up Shirts	Sport Bags	8oz
Polo Shirts	Tote Bags	10oz
Hooded Sweatshirts	Buttons	12oz
Sweatpants	Umbrellas	14oz
Jogging Pants	Clocks	16oz
Warm Up Pants	Ribbons	18oz
Shorts	Pillowcases	20oz
Pajamas	Keychains	22oz
Banners	Lanyards	
Blankets	Backpacks	
Candles	Bottled Water	
Stickers	Flip Flops	**Glass Mugs: come in
Decals	Balloons	2oz increments, 2oz-24oz
Magnets		but do not come in 4oz or 6oz.
Wall Decals		
Photo Frames		2oz
<del>Glass Cups*</del> <i>Not granted</i>		4oz
<del>Glass Mugs**</del> <i>Not granted</i>		6oz
Ceramic Mugs		8oz
<del>Plastic Cups***</del> <i>Not granted</i>		10oz
Acrylic Mugs		12oz
Polycarbonate Bottles		14oz
Plastic Bottles		16oz
Stainless Steel Bottles		18oz
Glass Jars		20oz
Cup Holders		22oz
Can Coolers		
Lavaliers		
Necklaces		
Pens		***Plastic Cups
Pencils		12oz
Mousepads		16oz
Notepads		18oz
Notebooks		22oz
Folders		32oz
Binders		

Appendix B

Agreement No. A37614



AL0059

## Appendix C

### Affinity Consultants

#### CLIENT PRODUCTS AND SERVICES POLICY

Products and services containing images of Greek organizations help to define the public perception of each individual Greek organization. Since the Greek organizations aligned with Affinity Consultants are proud of values that help define their intellectual property, they wish to protect their marks and control the manner in which their marks are used by product manufacturers and service providers. All vendors are required to abide by the following quality control rules:

The following rules will apply to any licensed product or service utilizing Greek marks, specifically but not limited to the following categories of products:

- |  |  |
|--|--|
| *apparel (shirts, shorts, jackets, etc.) | *press releases                                |
| *flyers                                  | *banners                                       |
| *manuals                                 | *glassware                                     |
| *publications                            | *party favors (cups, frames, key chains, etc.) |
| *posters                                 | *computer web pages                            |
| *newspaper articles & advertisements     |  |

There may not be:

any depiction of alcohol, alcoholic beverage use, kegs, beer cans, alcohol bottles, beer bong, or brand names;

any depiction of drugs, drug use, drug slogans or slang words, or drug paraphernalia;

any depiction in a demeaning way, of minorities, ethnicities, or cultural segments;

any religious depictions in a demeaning way;

any depictions of men or women in a demeaning way;

any depictions relating to sex, sexual paraphernalia, or sexual orientation;

any use of profanity;

or any use of licensed or copyrighted characters, phrases, logos, or materials without permission from the property owner.

Approval for all products and services will be coordinated by Affinity Consultants and granted in compliance with the license agreement prior to production of said product or service.

If you are unsure about an image or slogan, contact Melissa Jean-Baptiste for approval.

\* Developed from Sigma Alpha Mu Fraternity's Public Relations Policy.

# LICENSE AGREEMENT

Representing the agreement between  
the Alpha Phi Omega Fraternity, a fraternal organization

Agreement No. A32226

and

The University Shop, Inc.  
7402 Baltimore Ave  
College Park, MD 20740

THIS LICENSE AGREEMENT is made and entered into this 12th day of March, 2009, by and between the Alpha Phi Omega Fraternity, of 14901 East 42nd Street, Independence, MO, hereinafter referred to as "Fraternity" and The University Shop, Inc., of 7402 Baltimore Ave, College Park, MD, hereinafter referred to as "Licensee".

WHEREAS, Fraternity has adopted various distinct insignia for the utilization of the membership of the Fraternity, which insignia are the subject of various registrations issued to Fraternity by the United States Patent and Trademark Office and as a result of long term utilization of said insignia by members of the Fraternity, considerable goodwill has inured to the benefit of Fraternity; and

WHEREAS, Licensee desires to produce or have produced for it, items which will utilize certain of the insignia of Fraternity; and

WHEREAS, the Parties to this License Agreement wish to set forth in writing each and every term and condition of Fraternity's grant to Licensee of the limited right to utilize certain of the insignia of Fraternity

Now, THEREFORE, in consideration of the covenants, conditions and stipulations contained herein, the parties hereto agree as follows:

1. GRANT OF LICENSE: For the duration of this agreement and pursuant to each and every condition hereinafter set forth, Fraternity hereby grants to Licensee the non-exclusive right to utilize the following insignia of Fraternity:

Name "Alpha Phi Omega", "APO Leads", "APO Impact", Greek letters of Organization, crest, badge and flag, among others specified by Organization from time to time.

2. ACKNOWLEDGEMENT OF PROPRIETARY RIGHTS: Licensee acknowledges the ownership by Fraternity of each of these insignia and the goodwill associated therewith and agrees that it will do nothing inconsistent with such ownership and agrees that all goodwill associated with the use of the insignia by Licensee shall inure to the benefit of Fraternity. Licensee agrees that nothing in this License Agreement shall give Licensee any right, title or interest in the insignia other than the limited right to use the insignia of Fraternity and only within the scope of each of the terms and conditions of this License Agreement and Licensee agrees that it will neither question nor otherwise attack the ownership by Fraternity of any of its insignia.

3. LICENSED PRODUCTS: Licensee is granted the non-exclusive right to utilize the insignia specifically referenced in paragraph 1 above only in relation to the following products:

See appendix A

4. **QUALITY CONTROL:** In order to protect the goodwill associated with **Fraternity** and its insignia, **Licensee** agrees that in relation to any of its merchandise utilizing **Fraternity's** insignia, **Licensee** will maintain the high quality associated with **Fraternity** and its licensed merchandise.

**Licensee** shall not commence marketing of any merchandise utilizing **Fraternity's** insignia until a representative sample of merchandise and/or marketing materials, as specified in the Licensing Application instructions, has been provided to **Fraternity** and specifically approved in writing by **Fraternity**. Every year thereafter, **Licensee** shall again provide to **Fraternity** representative samples of any merchandise which utilizes **Fraternity's** insignia and/or marketing materials in association with any merchandise which **Licensee** is requesting the right to market in association with any application for renewal of this License Agreement. Should any licensed merchandise prove defective or reasonably unacceptable for any other reason, within a reasonable period of time following purchase of same and upon request, **Licensee** shall provide the purchaser with a full refund or replacement merchandise, whichever the purchaser prefers.

Should any licensed merchandise prove defective or reasonably unacceptable for any other reason, within a reasonable period of time following purchase of same and upon request, **Licensee** shall provide the purchaser with a full refund or replacement merchandise, whichever the purchaser prefers.

**Fraternity** has the right and authority to regularly monitor the quality of any merchandise and/or marketing materials within the scope of this License Agreement and if in the exercise of its discretion, **Fraternity** determines that the quality of any of the licensed merchandise and/or marketing materials has decreased below **Fraternity's** standards, including but not limited to those described in Appendix C, it shall notify **Licensee** in writing of its objections to the quality of the merchandise and/or marketing materials, which notice shall advise **Licensee** of the specific requirements necessary to satisfy **Fraternity's** quality standards. Following **Licensee's** receipt of said notice, **Licensee** shall immediately cease and desist from the marketing of any merchandise which **Fraternity** claims has decreased below **Fraternity's** quality standards and shall not resume the marketing of any such merchandise until the quality of said merchandise and/or marketing materials are improved to the extent of being in compliance with any reasonable quality control demands imposed by **Fraternity**.

Following **Licensee's** receipt of any notice from **Fraternity** notifying **Licensee** of objections relating to the quality of its merchandise, **Licensee** shall have thirty (30) days, or any such longer period of time agreed upon by the parties to resume production of merchandise acceptable to **Fraternity** and upon **Licensee's** failure to timely so comply with any of **Fraternity's** reasonable quality control demands, this License Agreement shall be immediately terminable by **Fraternity**.

5. **MARKING:** **Licensee** shall identify each licensed article as an officially licensed product of **Fraternity** by incorporating the "Official Licensed Product" seal shown in Appendix B on a sticker, tag, label, imprint, or other appropriate method. In addition, all marketing, promotional and advertising pieces associated with the licensed products of **Fraternity** must also be represented in the aforementioned manner. The **Licensee** shall also identify each licensed product with the appropriate service mark or trademark symbol in a manner specified in the artwork provided by **Fraternity** upon license approval or as otherwise specified from time to time in writing by **Fraternity**. The "Official Licensed Product" is the exclusive property of Affinity Consultants. Authorization for use, unless otherwise specified within the terms of this License Agreement, must be obtained from Affinity Consultants prior to use. Affinity Consultants retains the right to reject requested use of the "Official Licensed Product" seal.

6. **ROYALTY:** In relation to all merchandise marketed by or on behalf of **Licensee** utilizing any of **Fraternity's** insignia, **Licensee** shall pay to **Fraternity** a royalty calculated as follows:

**8.5% of gross sales and a \$40 annual advanced, minimum guaranteed royalty.**

Within thirty (30) days following the end of each calendar quarter, **Licensee** shall provide **Fraternity** with a precise accounting showing the calculation of the royalty owing, along with payment of the royalty owing for said calendar quarter. The quarterly accounting shall include sufficient detail to clearly and understandably provide **Fraternity** with any and all information which is to be taken into account in association with the calculation of the royalty owing and, if requested by **Fraternity** in association with any accountings, **Licensee** shall accurately complete and provide **Fraternity** with any forms of accounting reasonably specified by **Fraternity**.

Any royalty or other amount owing from **Licensee** to **Fraternity** which is not paid within seven (7) days of the due date thereof shall accrue interest at the rate of ten (10%) percent per annum. Any royalty report not received within seven (7) days of the due date thereof shall incur an administrative fee of fifteen (\$15) dollars.

7. **RECORD KEEPING/AUDIT RIGHTS:** For a period of at least three (3) years following each transaction involving merchandise containing **Fraternity** insignia, **Licensee** agrees to maintain true, correct and orderly records in conformity with reasonably recognized accounting standards, including all production records, order forms and purchase orders reflecting the total quantity of licensed merchandise manufactured and the total quantity of licensed merchandise sold or otherwise distributed, including true, accurate and complete accounting records of all consideration received by or on behalf of **Licensee** in relation to any licensed merchandise produced by or on behalf of **Licensee**, as well as any other records reasonably specified by **Fraternity**.

The records to be kept by **Licensee** shall be reasonably available for audit or inspection by or on behalf of **Fraternity**.

Should any such inspection or audit disclose that royalties paid to **Fraternity** were less than the amount actually owing, **Licensee** shall forthwith pay to **Fraternity** the deficiency with interest at the rate of ten (10%) percent per annum from the date when the deficient amount should have been paid to **Fraternity**. Furthermore, should the audit or inspection disclose that royalties paid by **Licensee** were intentionally understated in any amount, or unintentionally understated in an amount of at least five (5%) percent less than the actual royalty owing for any quarterly period, **Licensee** shall be responsible to immediately reimburse **Fraternity** for all fees and expenses incurred by **Fraternity** in relation to the inspection or audit.

8. **INSURANCE:** The **Licensee** is obligated to maintain comprehensive general and product liability insurance protecting against claims of any sort for loss or damage arising out of the design, manufacture or marketing of licensed products, said liability insurance to be maintained in the face amount of one million dollars (\$1,000,000.00), which policy of insurance shall name **Fraternity** as a co-insured and shall provide that **Fraternity** is to be given at least thirty (30) days notice from the insurer prior to cancellation or amendment of such insurance policies. The **Licensee** shall provide **Fraternity** with certificates of insurance evidencing that the required insurance has been procured before commencing with the manufacture or marketing of any merchandise bearing insignia of **Fraternity**. Should the **Licensee** fail to maintain the required insurance, **Fraternity** may, but is not required to, procure same and the **Licensee** shall promptly reimburse **Fraternity** for the cost of same.

9. **DURATION:** This License Agreement shall remain in effect up through the 30th day of June next following the execution of this agreement and is automatically renewed for an additional year in accordance with the next paragraph hereof unless either party mails written notice to the other party on or before May 31 of the then current year notifying the other party that this agreement will not be renewed and will terminate effective June 30 of that year.

10. **POTENTIAL RENEWAL:** Unless terminated by either party pursuant to any of the terms and conditions of this License Agreement, this License Agreement is automatically renewed for an additional year beginning on July 1, pursuant to the following conditions:

- a. At the written request of **Fraternity**, **Licensee** will provide representative samples of any merchandise, which **Licensee** wishes to market pursuant to a renewal of this License Agreement;
- b. **Fraternity** shall have thirty (30) days to examine said merchandise and in its sole discretion determine whether to deny renewal of this License Agreement in relation to any or all of said proposed items;
- c. Should **Fraternity** elect not to renew this License Agreement in relation to any of the proposed merchandise, it will provide **Licensee** with written notice of such, along with specification of which items of the proposed merchandise are not approved for the renewal year.

11. **DEFAULT:** **Fraternity** shall have the right to terminate this License Agreement prior to the duration thereof pursuant to the following conditions:

- a. **Fraternity** has the right to immediately terminate this License Agreement through written notice to **Licensee** upon the occurrence of any of the following situations:
  - (1) Willful and material falsification of any records required to be maintained or reports required to be provided by the **Licensee** to **Fraternity**;
  - (2) Willful and material deception of customers in relation to the production, marketing or other distribution of products containing **Fraternity** insignia;
  - (3) Failure of the **Licensee** to maintain liability insurance in compliance with paragraph 8 of this License Agreement.

- b. **Fraternity** has the right to terminate this License Agreement upon thirty (30) days written notice to the **Licensee** specifying the details of the grounds for termination and advising that unless the **Licensee** immediately proceeds to cure and does cure the default(s) within said thirty (30) days, the License Agreement can be terminated in any of the following situations:
- (1) Delinquency in payment of any sums owing to **Fraternity**;
  - (2) Inability to conduct the licensed business such as through insolvency, attachment of assets, liquidation, receivership or some other order of a court, administrative agency or other governmental official or body;
  - (3) Misuses or unauthorized use of the insignia of **Fraternity** or any other conduct which in the judgment of **Fraternity** is detrimental to the goodwill of **Fraternity** or otherwise injurious to the best interest of **Fraternity** licensing program;
  - (4) Failure to comply with any other obligation imposed on the **Licensee** by or through this License Agreement.

12. **OBLIGATIONS UPON TERMINATION:** The continuing obligations of the **Licensee** after termination or expiration of this License Agreement are as follows:

- a. To pay any sums then or subsequently owing to **Fraternity**;
- b. To cease any production, use, marketing or distribution of any merchandise bearing the insignia of **Fraternity** and **Licensee** shall cease holding itself out as being a **Licensee** of, or otherwise affiliated with, **Fraternity** and the **Licensee** shall not advertise or otherwise publicize the former affiliation with **Fraternity**;
- c. **Fraternity**, in its sole discretion, has the option to purchase from **Licensee** any portion of the supplies or materials remaining on hand containing any of the insignia of **Fraternity** which items shall be provided to **Fraternity** at cost; and
- d. **Licensee** shall destroy any other items on hand bearing **Fraternity** insignia or otherwise remove such insignia from any merchandise, equipment, fixtures and structures as to any items remaining on hand bearing the insignia of **Fraternity** which **Fraternity** does not wish to purchase pursuant to subsection above.

13. **NO WAIVER:** The failure of either party to exercise any power or right under this License Agreement or to insist at any time upon the strict compliance with any of the provisions hereof shall not constitute a waiver of said party's right to thereafter demand exact compliance with the terms hereof. A waiver shall only be effective if it is contained in a writing signed by the party against whom the waiver is claimed and shall not preclude that party from declaring default as to any further continuation or occurrence of that or any other grounds to declare default of this License Agreement.

14. **NO AGENCY:** **Licensee** acknowledges that this License Agreement does not in any way establish **Licensee** as an agent or employee of **Fraternity**. **Licensee** acknowledges that it is entering into this agreement solely to become a **Licensee** of **Fraternity** with no right or authority to assume or create any obligation on behalf of **Fraternity**.

15. **INDEMNIFICATION:** Should **Fraternity** receive any claim or otherwise incur any liability relating to any loss as a result of any claim relating to any alleged actions or omissions of **Licensee**, **Fraternity** shall be indemnified and held harmless by the **Licensee** from any such claim or loss including any costs and reasonable attorneys' fees incurred by **Fraternity** to defend against same.

16. **INVALIDITY OF TERMS:** Any provision of this Agreement prohibited by law shall be ineffective to the extent of such prohibition without invalidating the remaining provisions of this Agreement.

17. **NOTICES:** Any notices required to be given pursuant to this License Agreement should be addressed as follows:



LICENSOR: Executive Director  
Alpha Phi Omega Fraternity  
14901 East 42nd Street  
Independence, MO 64055-7347

LICENSEE: The University Shop, Inc.  
7402 Baltimore Ave  
College Park, MD 20740

18. BREACH OF CONTRACT: Should Licensee materially breach any provision of this License Agreement, it shall be required to pay any reasonable attorneys' fees, as well as any litigation or other expenses resulting there from incurred by Fraternity.

19. BINDING EFFECT: This License Agreement is not assignable by either party and shall be binding upon any employees, agents, heirs, executors, administrators, assigns, or successor in interest of any of the parties.

20. ENTIRE AGREEMENT: This License Agreement contains the entire understanding and agreement between the parties, and any statements, promises, or inducements made by either party, or agent of either party, that is not contained in this License Agreement shall not be valid or binding, nor may this License Agreement be enlarged, modified, or altered, except in writing signed by the parties.

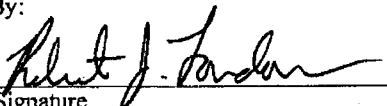
21. CHOICE OF LAW: This License Agreement shall be interpreted and applied according to the laws of the State of Missouri.

IN WITNESS WHEREOF, the parties have executed this License Agreement this day and year first above written.

Fraternity:  
Alpha Phi Omega Fraternity

Licensee:  
The University Shop, Inc.

By:

  
Signature

Robert J. London, Executive Director  
Print name and title

By:

  
Signature

Marc R. Katz, President  
Print name and title

Appendix A

Agreement No. A32226

General Product description: Screen printing, embroidery and appliquéd apparel, glassware, key tags, beanie mascots, decals, note pads, frames, pens, lanyards, bow sets, watches, make-up bags, tote bags and candles

Product Number

Product Description

Price

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

*See follow*

Please use additional pages if needed.

## Custom Lettered Items

<u>Style</u>	<u>Description</u>	<u>Garment Cost</u>	<u>Applique Lettering</u>	<u>Embr Letters</u>	<u>Crest Crest</u>	<u>Athletic Imprint</u>
3931	Fruit of the Loom Short Sleeved Heavyweight Tee	\$ 1.72	\$ 7.50	\$ 5.00	\$ 8.00	\$ 1.50
4930	Fruit of the Loom Heavyweight Long Sleeved Tee	\$ 3.09	\$ 7.50	\$ 5.00	\$ 8.00	\$ 1.50
T1396	Champion Ringer Tee	\$ 3.99	\$ 7.50	\$ 5.00	\$ 8.00	
T1397	Champion Raglan Baseball Jersey	\$ 4.39	\$ 7.50	\$ 5.00	\$ 8.00	
73195	Lee 9.3oz 50/50 Fleece Crewneck	\$ 5.63	\$ 7.50	\$ 5.00	\$ 8.00	
76042	Lee 9.3oz 50/50 Fleece Pullover Hood	\$ 10.31	\$ 7.50	\$ 5.00	\$ 8.00	
71064	Lee 9.3oz 50/50 Fleece Full Zip Hood	\$ 14.29	\$ 7.50	\$ 5.00	\$ 8.00	
S1049	Champion 12oz Reverse Weave Crew	\$ 14.96	\$ 7.50	\$ 5.00	\$ 8.00	
S1051	Champion 12oz Reverse Weave Hood	\$ 22.99	\$ 7.50	\$ 5.00	\$ 8.00	
973	Jerzees 8oz 50/50 Fleece Pant	\$ 5.34	\$ 7.50	\$ 5.00	\$ 8.00	
FRX	Signature Sptswr. Frat Jersey with Cuffs	\$ 9.35	\$ 7.50	\$ 5.00	\$ 8.00	
MMFJ	Philly Express Mesh Football Jersey	\$ 14.85	\$ 7.50	\$ 5.00	\$ 8.00	
MYPB	Philly Express Mesh Shimmel Jersey	\$ 7.65	\$ 7.50	\$ 5.00	\$ 8.00	

## Items from Unlicensed Vendors

<u>Company</u>	<u>Description</u>	<u>Retail</u>
RahRah	Strip Decal	\$ 1.00
	Cube Pad	\$ 3.95
	Chrome License Plate Frame	\$ 7.95
	Click Pen	\$ 1.25

Screen printing costs are determined based on individual order.

---

Appendix B

Agreement No. A32226



AL0068

## Appendix C

### Affinity Consultants

#### CLIENT PRODUCTS AND SERVICES POLICY

Products and services containing images of Greek organizations help to define the public perception of each individual Greek organization. Since the Greek organizations aligned with Affinity Consultants are proud of values that help define their intellectual property, they wish to protect their marks and control the manner in which their marks are used by product manufacturers and service providers. All vendors are required to abide by the following quality control rules:

The following rules will apply to any licensed product or service utilizing Greek marks, specifically but not limited to the following categories of products:

- |  |  |
|--|--|
| *apparel (shirts, shorts, jackets, etc.) | *press releases                                |
| *flyers                                  | *banners                                       |
| *manuals                                 | *glassware                                     |
| *publications                            | *party favors (cups, frames, key chains, etc.) |
| *posters                                 | *computer web pages                            |
| *newspaper articles & advertisements     |  |

There may not be:

any depiction of alcohol, alcoholic beverage use, kegs, beer cans, alcohol bottles, beer bong, or brand names;

any depiction of drugs, drug use, drug slogans or slang words, or drug paraphernalia;

any depiction in a demeaning way, of minorities, ethnicities, or cultural segments;

any religious depictions in a demeaning way;

any depictions of men or women in a demeaning way;

any depictions relating to sex, sexual paraphernalia, or sexual orientation;

any use of profanity;

or any use of licensed or copyrighted characters, phrases, logos, or materials without permission from the property owner.

Approval for all products and services will be coordinated by Affinity Consultants and granted in compliance with the license agreement prior to production of said product or service.

If you are unsure about an image or slogan, contact Melissa Jean-Baptiste for approval.

\* Developed from Sigma Alpha Mu Fraternity's Public Relations Policy.

Home / Search results for: 'Alpha Phi Omega'

#### SHOP BY

##### SHOPPING OPTIONS

##### Category

Sorority Gifts  
Fraternity Gifts  
Shop By Occasion  
Shop By Recipient

Leaves warehouse in  
2-3 business days

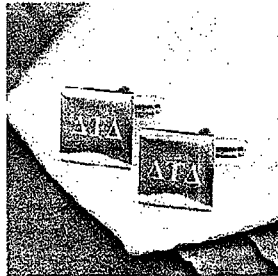
#### MY CART

You have no items in your shopping cart.

#### COMPARE PRODUCTS

You have no items to compare.

#### SEARCH RESULTS FOR 'ALPHA PHI OMEGA'



Greek Square Clif Links

\$24.00



Greek Elegance Bracelet

\$28.00



Greek Romance Pearl Bracelet

\$28.00

AL0070

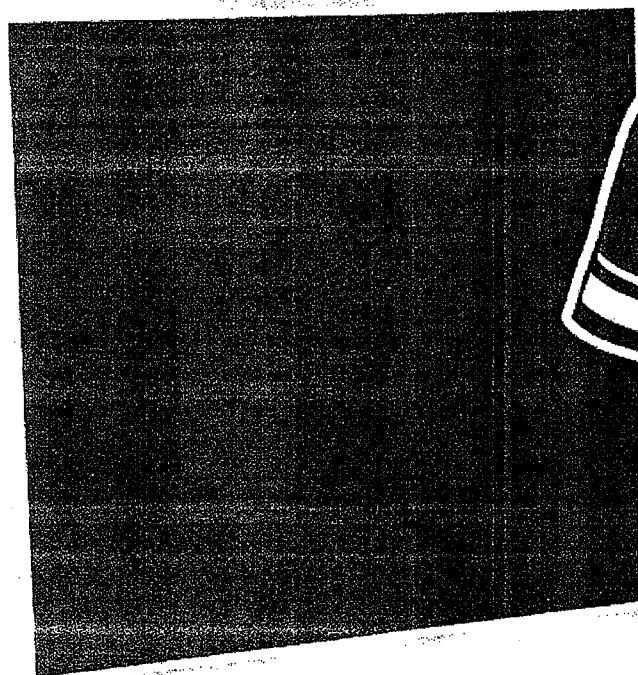
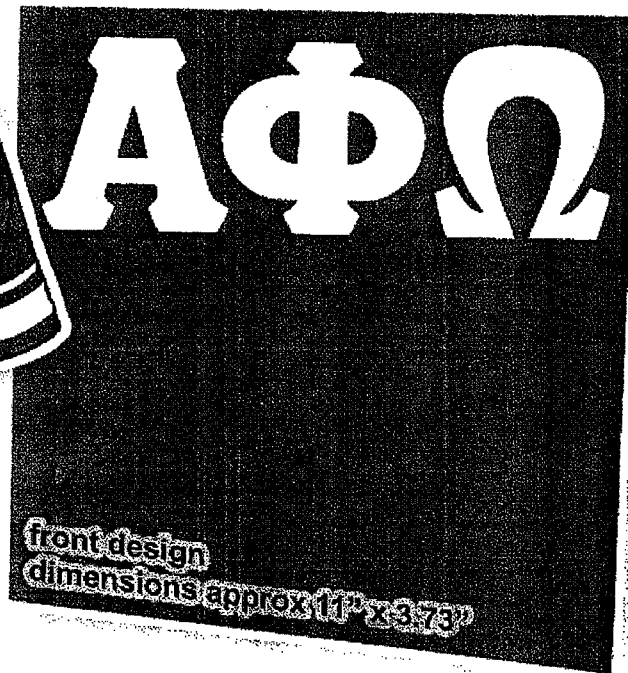
!!PLEASE NOTE!! - Due to varying monitor settings, the colors represented on your screen MAY NOT MATCH the actual ink/shirt colors. This should be used as an approximate reference only. Unless requested, your ink color is from our STANDARD INK CHART.  
Need a specific color for your logo/branding? We offer custom Pantone Color Matching at an additional charge.



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**INKS**

☐ White



Design visual is proportionate to Large Tee (Adult, Youth, Ladies)

AL0071



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Long Sleeve  
Ladies T-Shirts

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Sweatshirts  
Hoodies  
Kids Sweats

Ladies & Girls  
T-Shirts  
Sweats  
Athletic & Performance

Kids & Youth  
T-Shirts  
Sweats  
Athletic & Performance

Athletic & Performance  
Team Apparel & Jerseys  
Warm Ups  
Windbreakers

Polos & Golf Shirts  
Casual Polos  
Business Polos  
Performance Polos

Outerwear & Jackets  
Heavyweight  
Lightweight  
Windbreakers

Hats & Headwear  
Baseball Caps  
Winter Hats  
Visors

Workwear & Uniforms  
General Workwear  
Medical Wear  
Chef Wear & Aprons

Business Wear  
Business Polo Shirts  
Button Downs  
Business Outerwear

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11



Items Per

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Page

Expand your search to see results that contain some of your words

Site Search by

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Browse ProductsCreate  
Design StudioCollaborate  
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T-Shirts  
Short Sleeve  
Long Sleeve  
Ladies T-ShirtsSweatshirts & Sweats  
Sweatshirts  
Hoodies  
Kids SweatsLadies & Girls  
T-Shirts  
Sweats  
Athletic & PerformanceKids & Youth  
T-Shirts  
Sweats  
Athletic & PerformanceAthletic & Performance  
Team Apparel & Jerseys  
Warm Ups  
WindbreakersPolo & Golf Shirts  
Casual Poles  
Business Poles  
Performance PolesOuterwear & Jackets  
Heavyweight  
Lightweight  
WindbreakersHats & Headwear  
Baseball Caps  
Winter Hats  
VisorsWorkwear & Uniforms  
General Workwear  
Medical Wear  
Chef Wear & ApronsBusiness Wear  
Business Polo Shirts  
Button Downs  
Business OuterwearBags & Backpacks  
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Towels  
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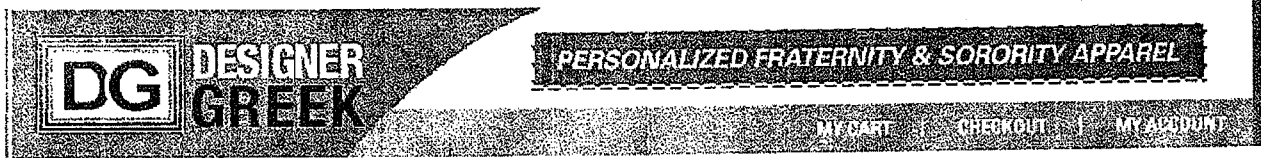
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Delivery timeframe is based on how long it takes to prepare the art you upload for production. Some orders may be slightly longer and some repeat orders may be delivered slightly sooner. Contact a Customer Service Representative to get more specific delivery information on your order.

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AL0074



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LETTER FRANCHISE

GROUP ORDERS

STYLING OPTIONS

QUALITY

FAQ

## DESIGN SHOP

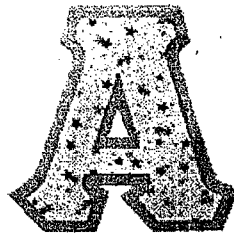
*Personalize your apparel the way you want it...*

Welcome to Designer Greek's Design Shop - It's time to create your Custom Greek Apparel!

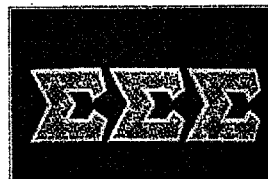
Select from Applique Letters (Sewn on Sorority Letters & Fraternity Letters), Embroidery (Direct Stitching), or DG Designs to begin customizing your Sorority Clothing and Fraternity Clothing. Once you have completed your design you will have the option to further personalize your Greek Apparel by visiting the other shops.

*Happy Designing from Designer Greek - Your #1 Sorority Store and Fraternity Store*

### LETTER DESIGN



#### APPLIQUE DESIGN SHOP



The Applique Design Shop allows you to create your very own sewn-on 3" and 4" Greek and English lettered apparel within 5 easy steps:

- Select Apparel
- Choose Sewn-On Greek or English Letters
- Select Letter Colors (Foreground & Background)
- Preview Design
- Add To Cart

You also have the opportunity to add Embroidery, add a DG Design, Save your design, Send your design to a friend, and even add an Applique Number to your design.

### EMBROIDERY DESIGN



#### EMBROIDERY DESIGN SHOP



The Embroidery Design Shop allows you to create a personalized Greek stitching design on your apparel in just 5 easy steps:

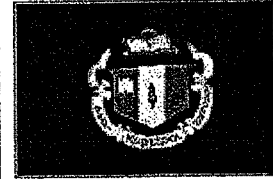
- Select Apparel
- Choose Embroidery Location
- Select Stitching Design - text, font, size, color (direct stitching to clothing)
- Preview Design
- Add To Cart

You also have the opportunity to add a DG Design, Save your design, Send your design to a friend, and even add an Applique Number to your design.

### DG DESIGNS



#### CUSTOM DG DESIGNS



The Custom Designer Greek Designs, otherwise known as DG Designs, allows you to take an existing stitching design and personalize it within 5 easy steps:

- Select Apparel
- Choose A DG Design (direct stitching to clothing)
- Select Location
- Personalize DG Design - text, size, font, color
- Add To Cart

Once in your cart, you may also add Embroidery, Applique Letters, or an Applique Number to your apparel.

*Happy Designing from Designer Greek!*



AL0075

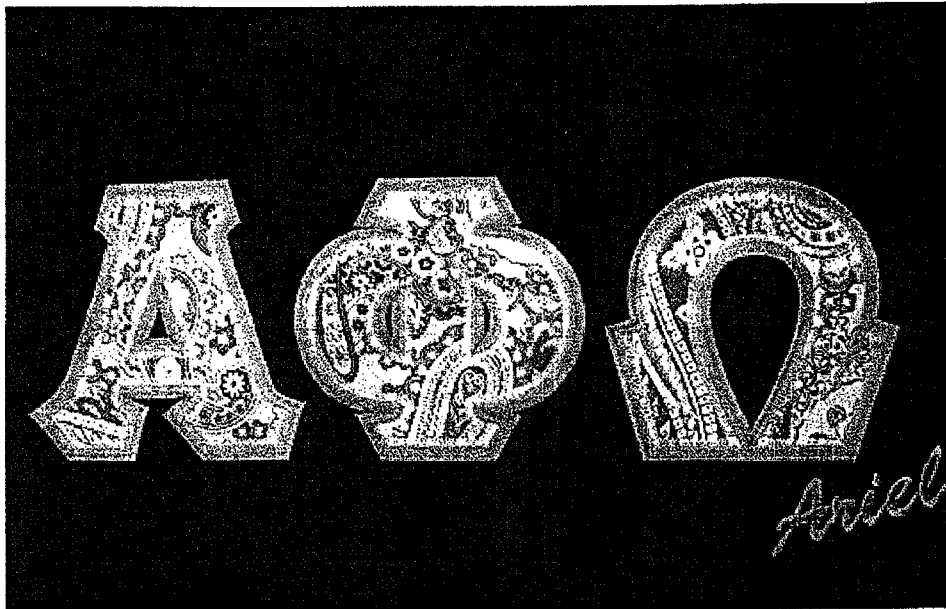
*Happy Designing from  
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*Happy Designing from  
Designer Greek!*

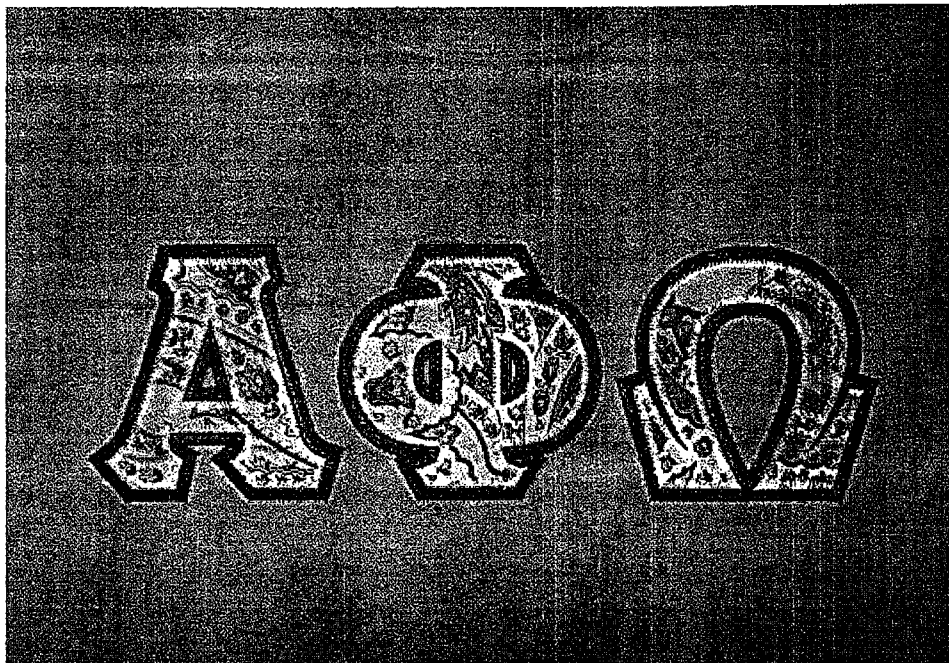
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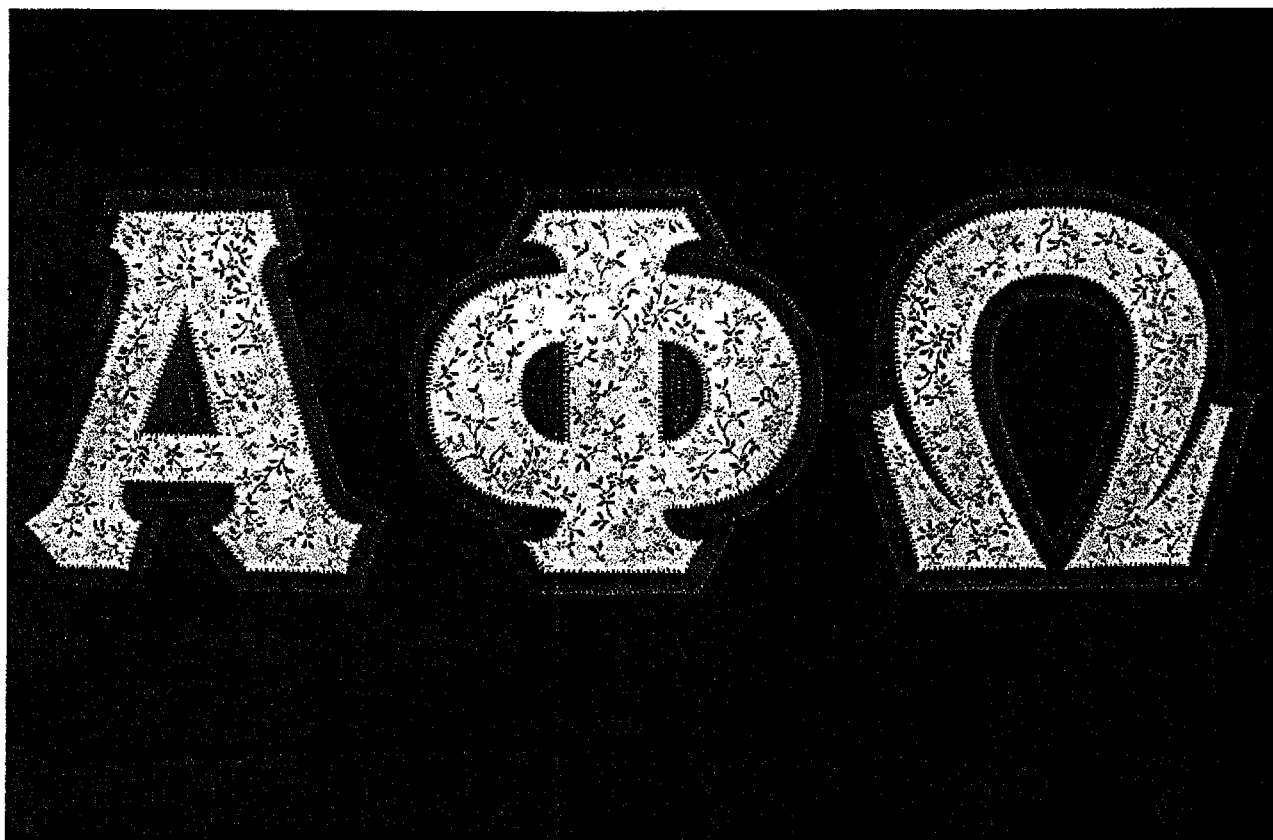
**AL0076**



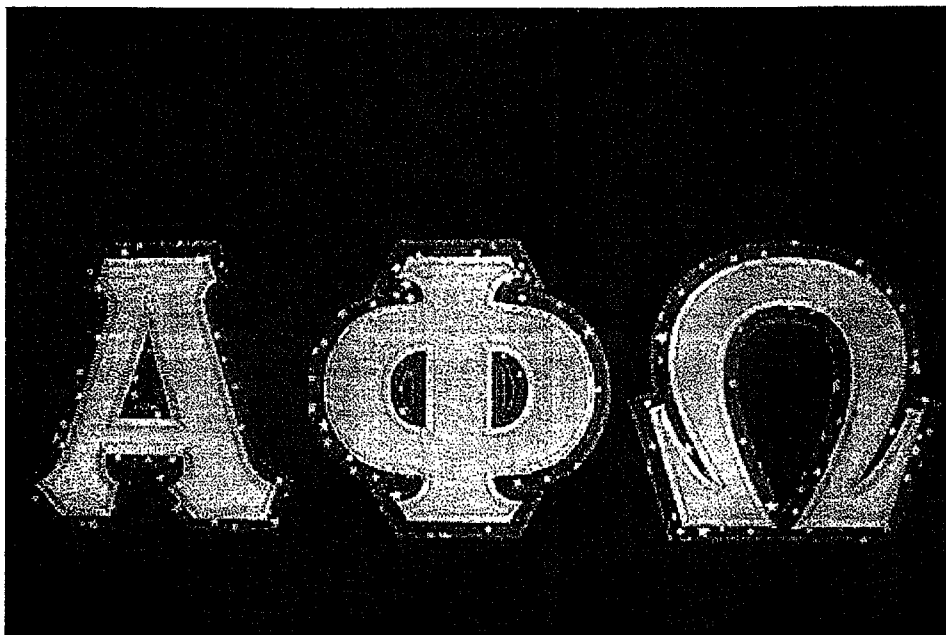
AL0077



AL0078



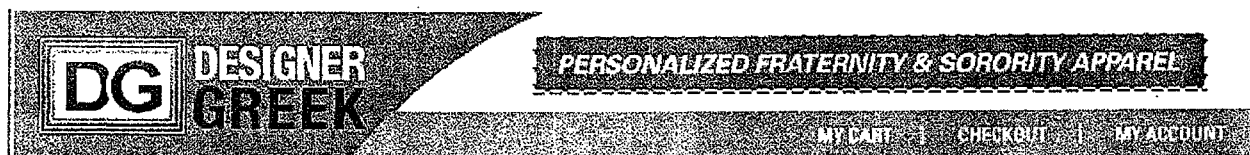
AL0079



AL0080



**EXHIBIT 12**  
**PART C**


[DESIGN STOP](#)
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[INTERMEDIATE](#)
[GROUP ORDER](#)
[SPECIAL OFFERS](#)
[FAQ](#)
[CONTACT](#)

## PRODUCTS

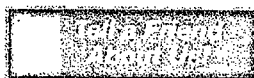
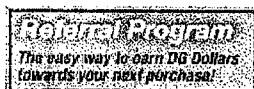
### DesignerGreek Product Catalog

Welcome to Designer Greek - Your #1 Sorority Store & Fraternity Store for Custom Greek Apparel!

Our greek apparel can be combined with Greek Sewn-on Letters (Applique), Embroidery (Direct Stitching), and/or a DG Design to create your very own Sorority Clothing and Fraternity Clothing! In order to make the selection process easier, you will find products listed under Unisex, Womens, and Mens. Please choose from Greek Letter Shirts, Greek Sweatshirts, Greek Pants & Shorts, American Apparel Products, Greek Polo Shirts, Greek Jackets & Cardigans, Greek Headwear, and Greek Bags to find the gear that is perfect for you.

Once you make a greek apparel selection you can choose to add Sewn-on Sorority Letters or Fraternity Letters (Applique), Embroidery (Direct Stitching), or a DG Design to customize your greek gear.

*Happy Designing from Designer Greek!*



› Greek Letter Shirts



› Greek Sweatshirts



› Greek Bags



› Greek Jackets, Vests, & Cardigans



› Sorority Apparel Only



› Greek Pants & Shorts



› Greek Hats & Visors



› Greek Polo Shirts



› American Apparel



› Sorority Confetti



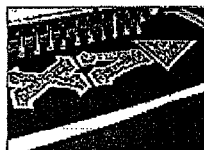
› Graduation Stoles



› Sorority Bling



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Greek Paddle Decorations & Accessories (5)  
Merchandise & Gifts (7)

(expand)

Narrow by Price

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\$25 to \$50 (70)  
\$50 to \$100 (14)  
\$100 to \$200 (1)

Greek Paddles

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Daily Deals



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Page 1 of 8

Show: 28

Page 1 2 3 4 5 ... 8



Alpha Phi Omega Bar Design Tee

Price: \$19.95

[VIEW](#)

An essential in any Alpha Phi Omega wardrobe.



Alpha Phi Omega Basic Letters Tee

Price: \$19.95

[VIEW](#)

A comfortable classic for any Alpha Phi Omega guy.



Alpha Phi Omega Classic Crewneck Sweatshirt

Price: \$39.95

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Show off Alpha Phi Omega and your Greek letters.



Alpha Phi Omega Classic Lettered Hoodie

Price: \$44.95

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This one's an all-time Alpha Phi Omega favorite.



Alpha Phi Omega Customized Lettered Hoodie

Price: \$46.95

[VIEW](#)

It's our most popular Alpha Phi Omega hoodie!



Alpha Phi Omega Customized Short Sleeve T-shirt

Price: \$23.95

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Customize your Alpha Phi Omega letters on this classic tee.



Alpha Phi Omega Frayed Letter Tee

Price: \$29.95

[VIEW](#)

Alpha Phi Omega soft textured distressed letter tee in denim blue heather



Alpha Phi Omega Graffiti Tee

Price: \$19.95

[VIEW](#)

A tee with your own Alpha Phi Omega tag.



Alpha Phi Omega Graphic Letters Tee



Alpha Phi Omega Greeks Do It Better Tee



Alpha Phi Omega Greeks Tee

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Alpha Phi Omega Hercules Tee

AL0083

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Put your Alpha Phi Omega letters front and center.



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Stay warm and Alpha Phi Omega.

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Every real Alpha Phi Omega knows...



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A classic gray tee, perfect for your Alpha Phi Omega letters!

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Our most popular Delta Chi tee!



Delta Phi Epsilon Mascot Cardigan

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Sir Alpha Phi Omega Tee

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An old style design gives this Alpha Phi Omega tee classic flair.



Alpha Chi Omega 16 oz. Mason Jar Mug

Price: \$11.95

[VIEW](#)

Bring on the good times with this Alpha Chi Omega mug.



Alpha Omicron Pi Rose Mason Jar Mug

Price: \$11.95

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Bring on the good times with this Alpha Omicron Pi (Rose) mug.



Alpha Phi Omega 16 oz. Mason Jar Mug

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Bring on the good times with this Alpha Phi Omega mug.



Alpha Phi Omega 16 oz. Mixer Glass

Price: \$11.95

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The perfect addition to your Alpha Phi Omega collection.



Alpha Phi Omega Classic Mini Glass

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Display your official Alpha Phi Omega crest.



Alpha Tau Omega 16 oz. Mason Jar Mug

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Bring on the good times with this Alpha Tau Omega mug.



Alpha Phi Omega 10 kt Gold Vertical Letters Lavalier

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Let your Alpha Phi Omega letters sparkle!



Alpha Phi Omega 14 kt Gold Vertical Letters Lavalier

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Say Alpha Phi Omega with 14 karat gold.

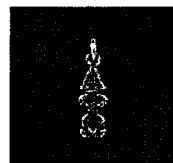


Alpha Phi Omega BevKey 3 Way Opener Key Chain

Price: \$4.95

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Let Alpha Phi Omega help you pop a top!



Alpha Phi Omega Vertical Letters Lavalier

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A beautiful lavalier with your Alpha Phi Omega letters in silver.



Delta Sigma Theta Domed Medallion Necklace

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Kappa Alpha Psi Domed Medallion Necklace

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## ALPHA PHI OMEGA - APO CLOTHING, ALPHA PHI OMEGA MERCHANDISE, T-SHIRTS, SWEATSHIRTS &amp; ALPHA PHI OMEGA GIFTS

The boys & girls of Alpha Phi Omega come to GreekGear.com whenever they are looking for the best in APO paraphernalia. We have lots of great gifts, trinkets, APO paddles, banners, Alpha Phi Omega clothing, and common items that Alpha Phi Omega chapters require. GreekGear.com is the largest online source for Fraternity & Sorority paraphernalia!

Alpha Phi Omega Fraternity, the largest collegiate fraternity in the U.S., was founded at Lafayette College on December 16, 1925 based on the principles of Leadership, Friendship and Service. Alpha Phi Omega's motto is "Be a Leader, Be a Friend, Be of Service," and their official colors are Royal Blue and Old Glory Gold. A Phi O has an active membership of more than 17,000 students and over 350,000 alumni. As of 1976, women, still referred to as "brothers," were admitted into the fraternity. Alpha Phi Omega has 4 major focuses regarding community service: service to the community, service to the campus, service to the fraternity, and service to the nation as participating citizens. Interested individuals can join through undergraduate chapters at a college or university. Famous APOs include Bill and Hillary Clinton, George H.W. Bush, and the writer Jonathan Blum.

It's time to get some new APO paraph! What better way to celebrate being a member of the largest US fraternity? Wear your letters with pride on a Greek lettered jacket or order a set of great Alpha Phi Omega Cufflinks for you and your chapter brothers. Please browse our complete selection of official Alpha Phi Omega Greek Merchandise below.

Visit the Alpha Phi Omega National Website - Click here! (<http://www.apo.org>)

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## ALPHA PHI OMEGA TOP SELLING ITEMS

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(1 Review)

Alpha Phi Omega Classic Oxford

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Alpha Phi Omega Line Hat

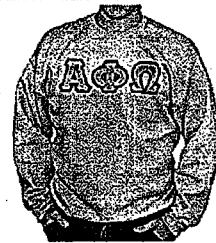
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(3 Reviews)

Alpha Phi Omega Lettered T-Shirt

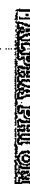
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Alpha Phi Omega Lettered Crewneck Sweatshirt

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(1 Review)

Alpha Phi Omega Jewelry  
Lavalieres

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Alpha Phi Omega Big Plastic  
Stadium Cup

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Alpha Phi Omega License Plate  
Frame

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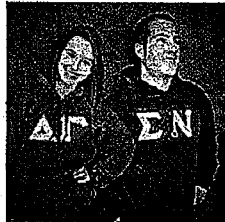
Alpha Phi Omega Long Window  
Decal

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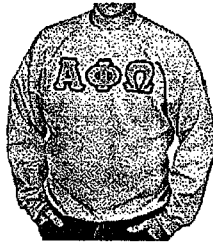
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Fraternity & Sorority Sweatshirts

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Alpha Phi Omega Lettered  
Crewneck Sweatshirt

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Alpha Phi Omega Letterman  
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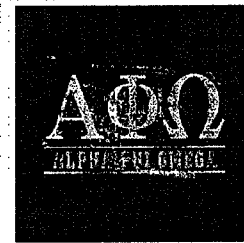
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(3 Reviews)

Alpha Phi Omega Lettered T-Shirt

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(1 Review)

Alpha Phi Omega Vintage Greek  
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Fraternity Merchandise

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(4 Reviews)  
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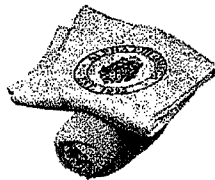
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Alpha Phi Omega Keepsake Box

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(1 Review)  
Alpha Phi Omega

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ALPHA PHI OMEGA HATS & VISORS

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Fraternity & Sorority Greek Hats & Visors

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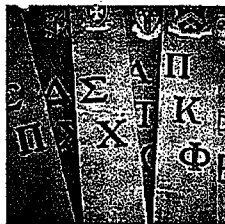


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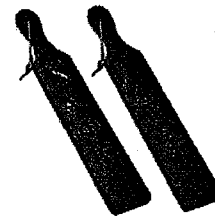
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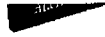
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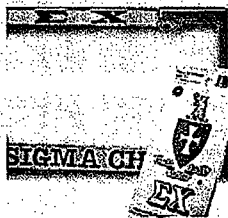
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Alpha Phi Omega Long Window Decal

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(1 Review)



Alpha Phi Omega Car Flag

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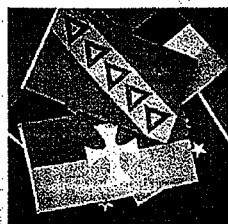


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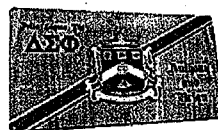
ALPHA PHI OMEGA FLAGS, BANNERS & SIGNS

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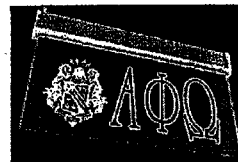
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Fraternity Drinkware, Glassware, Cups & Mugs



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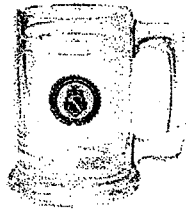


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#### ALPHA PHI OMEGA POLO'S & CLOTHING

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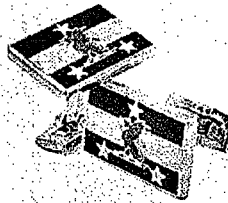


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Alpha Phi Omega Prefiere Lavalier

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(1 Review)

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Alpha Phi Omega Sterling Silver Lavalier Pendant with Swarovski Clear Crystal

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Alpha Phi Omega Sterling Silver Wide Band Ring

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## Alpha Phi Omega Admiral Watch

IHQ-Alpha Phi Omega-Admiral-Watch

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RUSH (+\$8.99)



More info

Personalization

QUANTITY: 1

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### DESCRIPTION

Alpha Phi Omega Admiral Watch! Men's sport watch, tan leather bands, minute marking on bezel. Men: 8 3/4" X 1 3/4" Comes in great gift case.

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## Alpha Phi Omega Sports Watch

1110-Alpha Phi Omega-Sports-Watch

\$89.95

RUSH (+\$ 9.95)

More info

Personalization

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Earn 90 Rewards Points for this item [Learn More](#)

### DESCRIPTION

Alpha Phi Omega Sport Watch. Men's brushed steel watch with engraved Arabic numerals, precision quartz 3 hand movement, and leather strap. Man, 9" X 1 3/8" Comes in great gift box.



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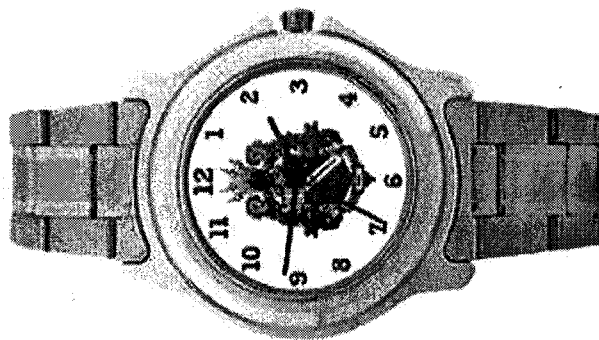
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## Alpha Phi Omega Commander Watch

IHO-Alpha Phi Omega-Commander-Watch

\$89.95

RUSH(+\$8.00)



More Info

Personalization

QUANTITY: 1

ADD TO CART



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### DESCRIPTION

Alpha Phi Omega Commander Watch. Alpha Phi Omega Swiss military style with calendar, stainless steel case bracelet. Man diameter, 1 3/4". Comes in Metal Case for gift giving!

AL0094

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Alpha Phi Omega

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30

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Item:

Description:



- EXPRESS SAVER STOLL (TWILL)**
- Satin Finish
  - 5" Wide & 30" Long
  - Single Color Border and Greek Letters
  - Contoured to Fit Over Shoulders
  - Letters are 4" heat-pressed poly-twill letters

Browse more GRAD STOLLS



- ADD ACRYLIC LETTER TEEKEE**
- Solid Acrylic Lightweight Finish

Browse more ALPHA PHI OMEGA



- ADD BLING DOG TAGS**
- Metal Dog Tag
  - Greek Letters Engraved Into Metal
  - Short & Long Chain Included
  - Tag Is 2" Tall & 1.25" Wide

Browse more ALPHA PHI OMEGA



- ADD COACH JACKET**
- 100% Nylon Shell
  - Light Flannel Lining
  - Snap Closures
  - Drawstring Bottom
  - Reinforced Nylon Pockets
  - Water Repellent
  - Machine Washable
  - Jacket Pockets NOT sewn together due to use of slightly smaller Greek Letters
  - Youth and Adult Unisex Sizing
  - Youth Sizes Not Available Gray

Browse more ALPHA PHI OMEGA



- ADD CREST PIN**
- Durable Metal Crest Pin
  - Professional & Business Quality
  - Official Crest of Organization
  - Lapel Pin Clasp
  - 1.25" Wide & 1.5" Tall

Browse more ALPHA PHI OMEGA



- ADD CREST TEEKEE**
- Wood Teekee with Lacquer finish
  - Painted Wood Finish
  - Contrasting Beads For Added Stability
  - Sturdy Rope For Wearability

Browse more ALPHA PHI OMEGA



- ADD GREEK LETTER HOODIE**
- 90% Cotton / 10% Polyester Fleece
  - 8.0 oz Premium Weight Hooded Pullover
  - Pre-Shrunk Fabric
  - Unisex Sizing
  - 8 oz is 50/50 Cotton/Poly Mix
  - 9.5 oz is 80/20 Cotton/Poly Mix
  - 12 oz is 70/30 Cotton/Poly Mix
  - 16 oz is 75/25 Cotton/Poly Mix
  - Air-Jet Spun for Pli Free Performance
  - Youth, Adult Unisex & Tall Sizing Now Available
  - Greek Letters are 4" Sewn-on Poly-Twill

Browse more ALPHA PHI OMEGA



- ADD GREEK LETTER SHIRT**
- 100% Cotton
  - 6.1 oz Heavyweight Tee
  - Pre-Shrunk Fabric
  - Unisex Sizing
  - Youth, Adult Unisex & Tall Sizing Now Available
  - Greek Letters are 4 inch Sewn-on Poly-Twill

Browse more ALPHA PHI OMEGA



- ADD GREEK LETTER SWEATSHIRT**
- 80% Cotton / 20% Polyester Fleece
  - 9.0 oz Heavyweight Crewneck Sweatshirt
  - Pre-Shrunk Fabric
  - Unisex Sizing
  - 8.0 oz is 50/50 Cotton/Poly Mix
  - 9.5 oz is 80/20 Cotton/Poly Mix
  - 12.0 oz is 70/30 Cotton/Poly Mix
  - Air-Jet Spun for Pli Free Performance
  - Youth, Adult Unisex & Tall Sizing Now Available
  - Tall Sizes Only in White, Grey, Black, Navy

1st 6 pages are blank

AL0100

- *Full Sizes Only Available in Navy & Khaki*
- 4X - 8X only available in Navy, Royal, Orange, Maroon, Forest, Gray, Red, Black, White

[Browse more ALPHA PHI OMEGA](#)



#### APO LARGE ACRYLIC PIN

- Mirrored Acrylic Lightweight Finish
- Letters Laid Diagonally
- Alligator Pin Clasp
- 3" Wide & 1.75" Tall

[Browse more ALPHA PHI OMEGA](#)



#### APO LARGE CREST

- Embroidered Ready To Iron Patches
- Easy To Apply With Heat Press or Iron
- Great for Jackets
- Approx 10" Tall & 6" Wide

[Browse more ALPHA PHI OMEGA](#)



#### APO LARGE REFLECTIVE PIN

- Mirrored Acrylic Lightweight Finish
- Letters Laid Diagonally
- Alligator Pin Clasp
- 3" Wide & 1.75" Tall

[Browse more ALPHA PHI OMEGA](#)



#### APO LONG SLEEVE SHIRT

- 100% Cotton
- 6 1/2" Heavyweight Longsleeve
- Pre-Shrunk Fabric
- Unisex Sizing
- Youth & Adult Unisex available
- Some colors not available in Youth
- 4X - 8X only available in Navy, Royal, Orange, Maroon, Forest, Gray, Red, Black, White
- Greek Letters are 4 inch Sewn-on Poly-Twill

[Browse more ALPHA PHI OMEGA](#)



#### APO PIN THROW

- 100% Cotton, Machine Washable
- 4" Wide x 6" Tall
- Organization's Crest & Letters Woven In
- Great As A Blanket Or Wall Hanging

[Browse more ALPHA PHI OMEGA](#)



#### APO PULLOVER JACKET

- 100% Nylon Shell
- 100% Cotton Fannel Lining
- Hooded Cover
- Drawstring at Hem & Hood
- Zippered Cuffs
- Water Resistant
- Pockets Into Pocket
- Pocket is sewn shut
- Youth & Adult Unisex Sizing Available
- Greek Letters are 4" Sewn-on Poly-Twill

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#### APO REFLECTIVE LETTER KEYCHAIN

- Mirrored Acrylic Finish
- 3.5" Tall & 1" Wide
- Standard 1" Keyring

[Browse more ALPHA PHI OMEGA](#)



#### APO REFLECTIVE TEEKSE

- Solid Acrylic, Lightweight Finish

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#### APO SATIN JACKET

- One of our best sellers
- 100% Nylon Satin Jacket
- Color Coordinated Snaps and Pockets
- Knit Cuff Collar and Waist Band
- Light Fannel Lining
- Heavy Quilt Option Available
- 10L, Youth & Adult Unisex Sizing Now Available
- Tall only available in Black Solid & Navy Solid
- Greek Letters are 4" Sewn-on Poly-Twill
- Some color combinations carry additional manufacturing costs
- Items with (\*) only available in quilted option - quilted cost not included in jacket color option

AL0101

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#### ADD SHIELD AFGHAN

- 100% Cotton, Machine Washable
- 4" Wide x 6" Tall
- Organization's Crest & Letters Woven In
- Great As A Blanket Or Wall Hanging

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#### ADD SINGLE SIDED DOG TAG

- Metal Dog Tag
- Greek Letters Engraved Into Metal
- Short & Long Chain Included
- Tag Is 2" Tall & 1.25" Wide

[Browse more ALPHA PHI OMEGA](#)



#### ADD SLEEVELESS TEE

- 100% Cotton
- 6 1/2 oz Heavyweight Shooter
- Pre-Shrunk Fabric
- Sizes Run Big
- Unisex Sizing
- Greek Letters are 4 inch Sewn-on Poly-Twill

[Browse more ALPHA PHI OMEGA](#)



#### ADD SMALL ACRYLIC PIN

- Mirrored Acrylic Light weight Finish
- Letters Laid Diagonally
- Alligator Pin Clasp
- 1.25" Wide & 0.5" Tall

[Browse more ALPHA PHI OMEGA](#)



#### ADD SMALL CREST

- Embroidered Ready To Iron Patches
- Easy To Apply With Heat Press or Iron
- Great for Jackets
- Approx. 3" Tall & 3" Wide

[Browse more ALPHA PHI OMEGA](#)



#### ADD SMALL REFLECTIVE PIN

- Mirrored Acrylic Light weight Finish
- Letters Laid Diagonally
- Alligator Pin Clasp
- 1.25" Wide & 0.5" Tall

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#### ADD VARSITY JACKET

- 24 oz. Peltan Woven Body
- Quilted Lining w/ Snap Closures
- Genuine Leather Sleeves w/ Coordinating Pockets
- Wool Knit Collar, Cuffs and Waistband
- Inside Wallet Pocket
- Youth & Adult Unisex Sizing Now Available
- Greek Letters are 4" Sewn-on Poly-Twill
- S - 5XL Available

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#### ADD VINYL SHIRT

- 100% Cotton
- 6 1/2 oz Heavyweight Tee
- Pre-Shrunk Fabric
- Unisex Sizing
- Fashion Eliza Heat Pressed Onto Shirt
- Tall Sizes Available Only In White, Grey, Black, Navy
- Youth, Adult Unisex & Tall Sizing Now Available
- 4X - 8X only available in Navy, Royal, Orange, Maroon, Forest, Gray, Red, Black, White
- Letters are 4 inch Vinyl

[Browse more ALPHA PHI OMEGA](#)



#### ADD WIDE BLOCK TEEHEE

- Painted Wood Finish
- Letters Are 5" Tall & 2" Wide
- Sturdy Rope 1 in. Wearability

[Browse more ALPHA PHI OMEGA](#)

AL0102



- AND WOOD LETTER TEEPEE**
- Painted Wood Finish
  - Letters Are 6" Tall & 1.5" Wide
  - Sturdy Rope For Wearability

[Browse more ALPHA PHI OMEGA](#)



- ZPB AFGHAN**
- 100% Cotton, Machine Washable
  - 4" Wide x 6' Tall
  - Organization's Crest & Letters Woven In
  - Great As A Blanket Or Wall Hanging

[Browse more ZETA PHI BETA](#)



- LASER ENGRAVED PADDLE**
- Maximum 20 characters per line (including spaces and punctuation)
  - Price includes engraved crest, Greek letters, year, TWO text spaces, chapter, and symbol
  - Semester & Year on handle
  - Greek letters horizontal
  - Crest centered on paddle
  - Symbol between top and bottom text
  - Chapter on bottom of paddle
  - Actual size is 7 1/2" X 6 5/8" X 1/2"
  - Production can take 3-4 weeks. Rush paddle service is recommended for guaranteed delivery in 15 days or less.
  - For bulk order of 4 or more of the same paddle or more space is needed, please contact Greek Nation for custom order form

[Browse more LASER ENGRAVED](#)



- REFLECTIVE PADDLE**
- Acrylic Letters
  - Custom Painted Wood
  - Actual size is 24" X 4 5/8" X 1/2"
  - High Shine Gloss

**Note:** Paddles are not available for all organizations.

[Browse more PAINTED WOOD](#)



- SOLID SILICONE BRACELET**
- 100% Industrial Strength Polished Silicone
  - Molded Letters
  - Adult Size
  - Dual Color Bracelets are half and half

**Minimum order of 5 pieces.**

[Browse more SILICONE BRACELETS](#)



- TRUCKER HAT**
- Cotton Twill Front
  - Mesh Sides and Back
  - Structured
  - High Profile
  - 6 Panel
  - Pre-Curved
  - Plastic Tab Adjust
  - One Size Fits All

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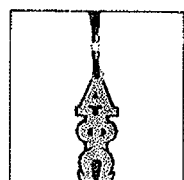
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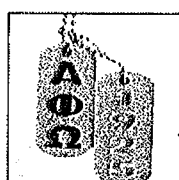
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ΑΦΩ BLING DOG TAGS  
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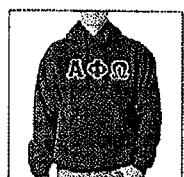
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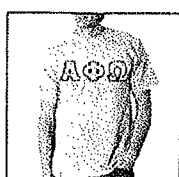
ΑΦΩ CREST PIN  
\$9.95



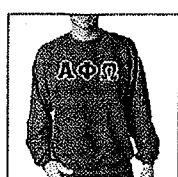
ΑΦΩ CREST TEEKEE  
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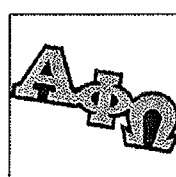
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ΑΦΩ GREEK LETTER SHIRT  
\$18.95



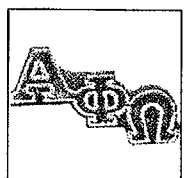
ΑΦΩ GREEK LETTER SWEATSHIRT  
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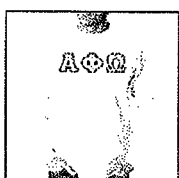
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ΑΦΩ LARGE CREST  
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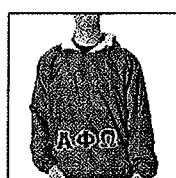
ΑΦΩ LARGE REFLECTIVE PIN  
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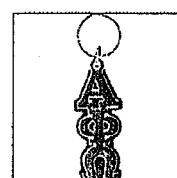
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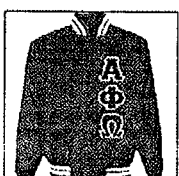
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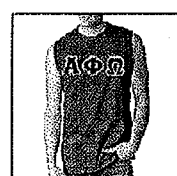
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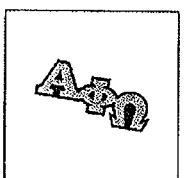
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ΑΦΩ SLEEVELESS TEE  
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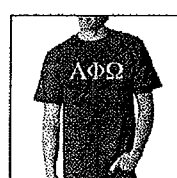
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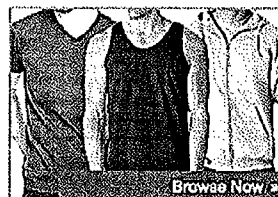
Alpha Phi Omega Stoles  
Alpha Phi Omega Banners

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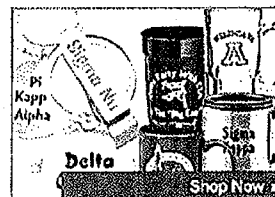
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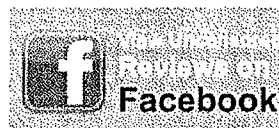
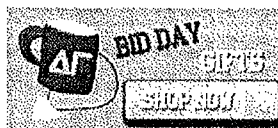
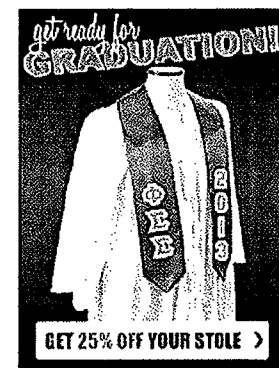
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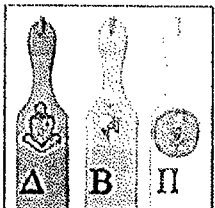
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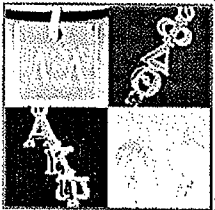
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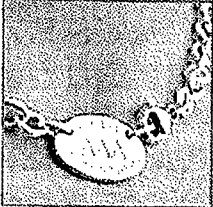
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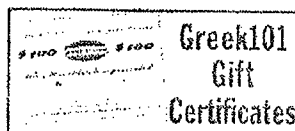
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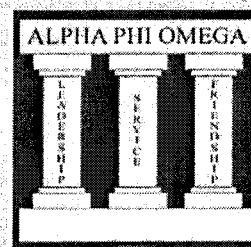
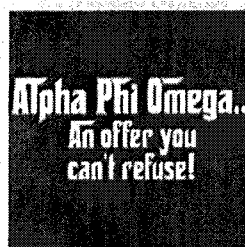
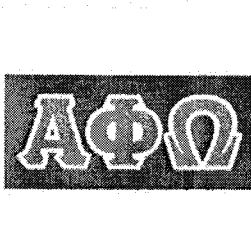
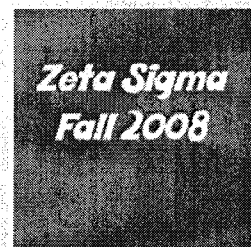
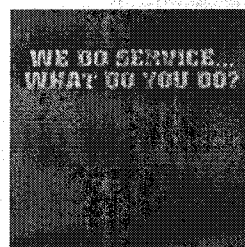
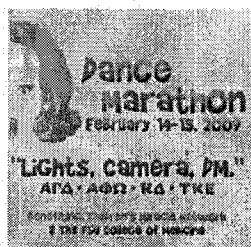
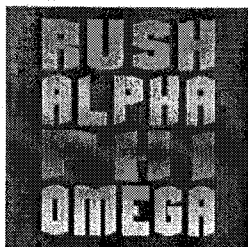
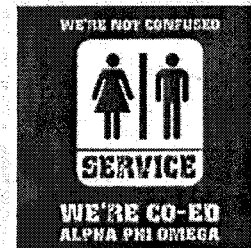
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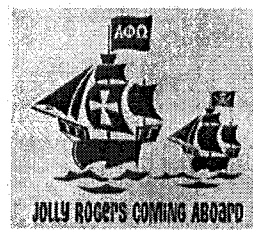
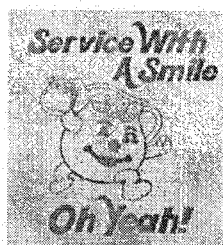
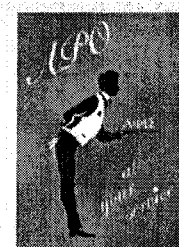
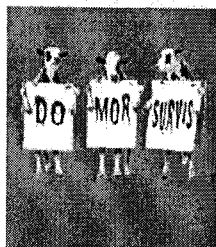
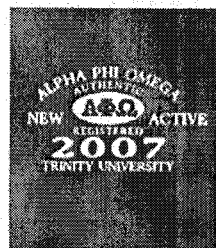
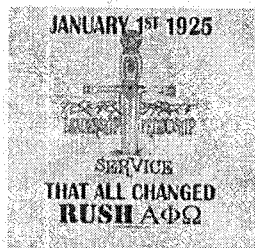
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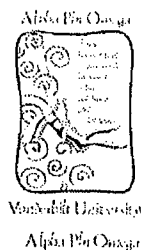
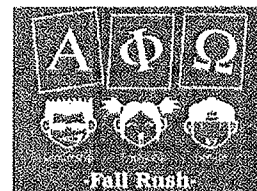
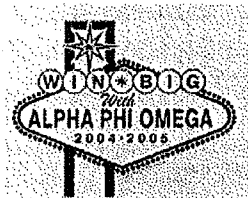
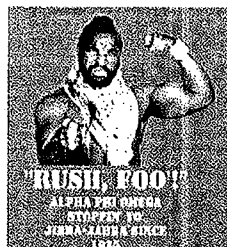
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Alpha Phi Omega



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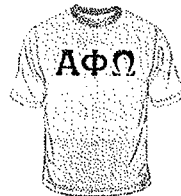
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Greek GRK10 Pool Cue - Alpha Phi Omega

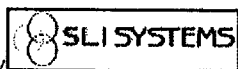
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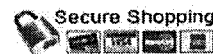
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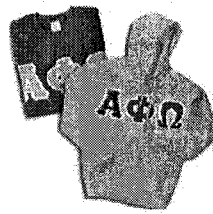


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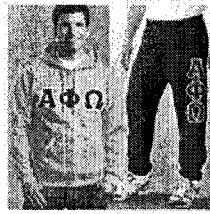
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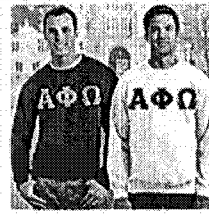
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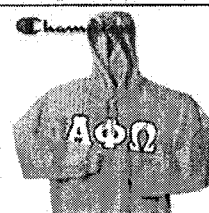
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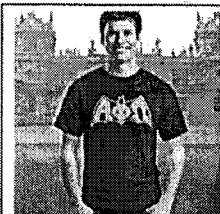
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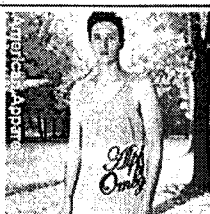
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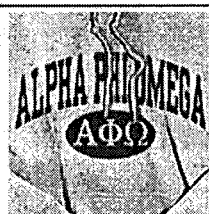
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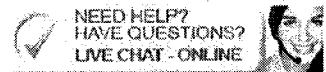
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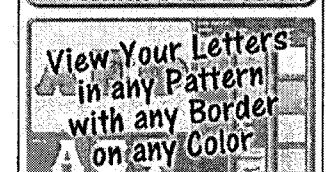
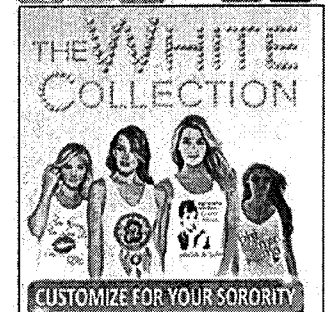
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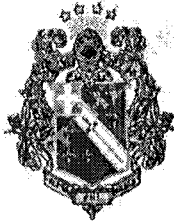
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Alpha Chi Rho  
Alpha Chi Sigma  
Alpha Delta Gamma  
Alpha Delta Phi

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**AL0127**



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Sweatshirts

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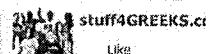
DESIGN LIBRARY

"...only you guys can customize a crossing jacket to perfection..."

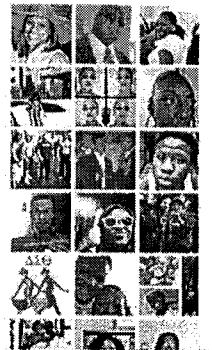
Jarell Dotson, Kappa Alpha Psi  
read more reviews

"...everything is so intricate, it's honestly beyond words. I would definitely recommend S4G to all my Sorors..."

Jasmine Watkins, Delta Sigma Theta  
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Your search for "Alpha Phi Omega" returned the following results...

Search Results (46 Matches found)

Sort By ▾



"Yes We Did" Obama T-Shirt,  
Royal/Gold

Category: Shop by Organization > Tau Beta Sigma National Honorary Band Sorority > Tau Beta Sigma Shirts  
Availability: Made to order. See production times.  
Price: \$50.00  
Add to Cart

Alpha Phi Omega

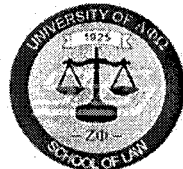


Category: Shirts > Dickies Shirts > Alpha Phi Omega Dickies Shirts  
Availability: Made to order. See production times.  
Price: \$79.00  
Add to Cart

Alpha Phi Omega Blazer Jacket with Crest, Royal Blue



Category: Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Jackets  
Availability: Made to order. See production times.  
Price: \$149.00  
Add to Cart



Alpha Phi Omega Crest Patch

Category: Do-It-Yourself > Patches  
Availability: Made to order. See production times.  
Add to Cart

Alpha Phi Omega Crest Polo



Category: Shirts > Polo Shirts > Alpha Phi Omega Polo Shirts  
Availability: Made to order. See production times.  
Price: \$49.00  
Add to Cart

Alpha Phi Omega Double Dog Tag



Category: Accessories > Dog Tags > Alpha Phi Omega Dog Tags  
Availability: Made to order. See production times.  
Price: \$19.00  
Add to Cart

Alpha Phi Omega Full-Color Crest Tiki



AFW Torch Patch

Category: Do-It-Yourself > Patches  
Availability: Made to order. See production times.  
Add to Cart

Alpha Phi Omega 1.125" Crest Pin, Full Color



Category: Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Accessories  
Availability: Made to order. See production times.  
Price: \$13.00  
Add to Cart

Alpha Phi Omega Cardigan with Greek Letters, Royal Blue



Category: Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Sweaters  
Availability: Made to order. See production times.  
Price: \$99.00  
Add to Cart



Alpha Phi Omega Crest Patch

Category: Do-It-Yourself > Patches  
Availability: Made to order. See production times.  
Add to Cart



Alpha Phi Omega Dog Tag

Category: Accessories > Dog Tags > Alpha Phi Omega Dog Tags  
Availability: Made to order. See production times.  
Your Price: \$12.00  
Add to Cart



Alpha Phi Omega Duffel Bag, Royal Blue

Category: Accessories > Bags > Duffel Bags  
Availability: Made to order. See production times.  
Price: \$39.00  
Add to Cart

AL0128

## JOIN OUR EMAIL CLUB

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Category: Accessories > Tikis > Alpha Phi Omega Tikis

Availability: Made to order. See production times.  
Price: \$39.00

[Add to Cart](#)


Alpha Phi Omega Greek Letter Baseball Cap, Royal Blue

Category: Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Accessories

Availability: Made to order. See production times.  
Price: \$29.00

[Add to Cart](#)

Alpha Phi Omega Greek Letter Pullover Hoodie Sweatshirt, Blue



Category: Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Sweatshirts

Availability: Made to order. See production times.  
Price: \$59.00

[Add to Cart](#)


Alpha Phi Omega Greek Letter Satin Baseball Jacket with Founding Year Crest, Royal Blue

Category: Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Jackets

Availability: Made to order. See production times.  
Price: \$199.00

[Add to Cart](#)

Alpha Phi Omega Greek Letter Tiki with Eagle



Category: Accessories > Tikis > Alpha Phi Omega Tikis

Availability: Made to order. See production times.  
Price: \$39.00

[Add to Cart](#)


Alpha Phi Omega Kente Graduation Stole

Category: Accessories > Graduation Stoles

Availability: We will try to accommodate your graduation date, but rush fees may apply. Please call for availability.  
Price: \$39.00

[Add to Cart](#)

Alpha Phi Omega Key Chain with Greek Letters, Royal Blue



Category: Car Stuff > Key Chains

Availability: Made to order. See production times.  
Price: \$9.00

[Add to Cart](#)


Alpha Phi Omega Large Crest Track Jacket (Ladies), Royal/White

Category: Jackets > Track Jackets > Alpha Phi Omega Track Jackets

Availability: Made to order. See production times.  
Price: \$89.00

[Add to Cart](#)

Alpha Phi Omega Large Crest Track Jacket (Men's), Royal/White



Category: Jackets > Track Jackets > Alpha Phi Omega Track Jackets

Availability: Made to order. See production times.  
Price: \$89.00

[Add to Cart](#)


Alpha Phi Omega License Plate Frame - Alpha Phi Omega Car Tag

Category: Car Stuff > License Frames > Car Frames

Availability: Made to order. See production times.  
Your Price: \$24.00

[Add to Cart](#)

Alpha Phi Omega License Plate with Royal Blue and Old Gold Letters on Silver Background



Category: Car Stuff > License Plates

Availability: Made to order. See production times.  
Your Price: \$24.00

[Add to Cart](#)


Alpha Phi Omega Line Jacket with Greek Letters and Crest, Royal Blue

Category: Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Jackets

Availability: Made to order. See production times.  
Price: \$79.00

[Add to Cart](#)


Alpha Phi Omega Line Jacket with Greek Letters and Embellished Crest, Royal Blue

Category: Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Jackets

Alpha Phi Omega Line Jacket with Name Thru Greek Letters, Black

Category: Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Jackets

Availability: Made to order. See production times.

AL0129

Availability: Made to order. See production times.  
Price: \$109.00  
[Add to Cart](#)

[Alpha Phi Omega Line Jacket with Name Thru Split Greek Letters, Black](#)



Category: [Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Jackets](#)  
Availability: Made to order. See production times.  
Price: \$109.00  
[Add to Cart](#)

[Alpha Phi Omega Logo Track Jacket \(Men's\), Royal/White](#)



Category: [Jackets > Track Jackets > Alpha Phi Omega Track Jackets](#)  
Availability: Made to order. See production times.  
Price: \$69.00  
[Add to Cart](#)

[Alpha Phi Omega Old English T-Shirt, Navy](#)



Category: [Shirts > Premium Greek T-Shirts > Alpha Phi Omega T-Shirts](#)  
Availability: Made to order. See production times.  
Price: \$39.00  
[Add to Cart](#)

[Alpha Phi Omega Satin Graduation Stole](#)



Category: [Accessories > Graduation Stoles](#)  
Availability: Usually ships within 1-2 business days if in stock. Please let us know your graduation date.  
Price: \$79.00  
[Add to Cart](#)

[Alpha Phi Omega Track Jacket \(Unisex\), Royal](#)



Category: [Jackets > Track Jackets > Alpha Phi Omega Track Jackets](#)  
Availability: Made to order. See production times.  
Price: \$69.00  
[Add to Cart](#)

[Alpha Phi Omega Varsity Letterman Jacket with Greek Letters and Crest, Royal Blue/White](#)



Category: [Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Jackets](#)  
Availability: Made to order. See production times.  
Price: \$349.00  
[Add to Cart](#)

[Alpha Tau Mu Neo Package](#)

Category: [Accessories > Ties > Alpha Tau Mu Ties](#)

Price: \$79.00  
[Add to Cart](#)

[Alpha Phi Omega Logo Track Jacket \(Ladies\), Royal/White](#)



Category: [Jackets > Track Jackets > Alpha Phi Omega Track Jackets](#)  
Availability: Made to order. See production times.  
Price: \$69.00  
[Add to Cart](#)

[Alpha Phi Omega Neo Package](#)



Category: [Shop by Organization > Alpha Phi Omega > Alpha Phi Omega Jackets](#)  
Availability: Made to order. See production times.  
Retail Price: \$332.00  
You Save: \$33.00  
Your Price: \$299.00  
[Add to Cart](#)

[Alpha Phi Omega Paddle with Glossy, Royal Blue Wood and Reflective Gold Letters](#)



Category: [Gifts > Greek Paddles](#)  
Availability: Made to order. See production times.  
Price: \$59.00  
[Add to Cart](#)

[Alpha Phi Omega Seal Patch](#)



Category: [Do-It-Yourself > Patches](#)  
Availability: Made to order. See production times.  
[Add to Cart](#)

[Alpha Phi Omega T-Shirt, White](#)



Category: [Shirts > Premium Greek T-Shirts > Alpha Phi Omega T-Shirts](#)  
Availability: Made to order. See production times.  
Your Price: \$29.00  
[Add to Cart](#)

[Alpha Phi Omega/1925](#)



Category: [Shirts > Dickies Shirts > Alpha Phi Omega Dickies Shirts](#)  
Availability: Made to order. See production times.  
Price: \$79.00  
[Add to Cart](#)

[Fleur de Lis Patch](#)

Category: [Do-It-Yourself > Patches](#)  
Availability: Made to order. See production times.

AL0130



Availability: Made to order. See production times.  
 Retail Price: \$332.00  
 You Save: \$33.00  
 Your Price: \$299.00  
[Add to Cart](#)



[Add to Cart](#)

#### Golden Phoenix Patch



Category: [Do-It-Yourself](#) > [Patches](#)  
 Availability: Made to order. See production times.  
[Add to Cart](#)

#### Jumbo Greek Letter Umbrella with Organization Name and Crest



Category: [Shop by Organization](#) > [Delta Sigma Theta Sorority, Inc.](#) > [Delta Sigma Theta Accessories](#)

Availability: Made to order. See production times.  
 Price: \$39.00  
[Add to Cart](#)

#### Omcega Psi Phi Satin Graduation Stole with Greek Letters, Purple



Category: [Accessories](#) > [Graduation Stoles](#)  
 Availability: Usually ships within 1-2 business days if in stock. Please let us know your graduation date.  
 Price: \$79.00  
[Add to Cart](#)



#### Viking Helmet Patch

Category: [Do-It-Yourself](#) > [Patches](#)  
 Availability: Made to order. See production times.  
[Add to Cart](#)



#### Viking Patch

Category: [Do-It-Yourself](#) > [Patches](#)  
 Availability: Made to order. See production times.  
[Add to Cart](#)



#### Wide Torch Patch

Category: [Do-It-Yourself](#) > [Patches](#)  
 Availability: Made to order. See production times.  
[Add to Cart](#)

Find or make custom Greek gear for your fraternity or sorority - Shop by organization:

#### ALPHA

- About Us
- How It Works
- Production Times
- Terms of Sale
- Return Policy
- Privacy Policy
- Lifetime Guarantee
- FAQ

#### EPHE

- Become an Affiliate
- Fundraising
- Work at S4G
- Become a Sales Rep
- Wholesale
- Become a Greekpreneur

#### DELTA SIGMA THETA

- Photo Gallery
- Design Library
- Spotlight Stories
- Customer Comments
- Videos
- Blog

#### S4G

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- Group Discounts
- Clearance Items
- S4G Rewards
- Gift Registries

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# EXHIBIT 13

# United States of America

United States Patent and Trademark Office

ALPHA PHI OMEGA

Reg. No. 3,828,181

Registered Aug. 3, 2010

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

ALPHA PHI OMEGA (MISSOURI CORPORATION), AKA ALPHA PHI OMEGA NATIONAL  
SERVICE FRATERNITY  
14901 EAST 42ND STREET  
INDEPENDENCE, MO 64055

FOR: HEADWEAR; JACKETS; SHIRTS; SWEAT SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND  
39).

FIRST USE 0-0-1980; IN COMMERCE 0-0-1980.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,315,321 AND 2,320,138.

SEC. 2(F).

SER. NO. 77-905,132, FILED 1-5-2010.

LAURIE MAYES, EXAMINING ATTORNEY



*David J. Kypos*

Director of the United States Patent and Trademark Office

AL0013

## EXHIBIT 14

The USPTO is pleased to report that the TSDR problem with the display of mark images has been resolved. Please clear your individual browser cache prior to accessing TSDR. If you continue to experience technical difficulties, [please email](#).

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2013-06-28 16:48:42 EDT

Mark: A

A Φ Ω

US Serial Number: 71286530

Application Filing Date: Jul. 03, 1929

US Registration Number: 265052

Registration Date: Dec. 10, 1929

Register: Principal

Mark Type: Trademark

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 23, 2000

Date Cancelled: Dec. 23, 2000

## Mark Information

Mark Literal Elements: A

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: FRATERNITY BADGES, LAPEL BUTTONS; SCARF, LAPEL, AND BREAST PINS; CUFF LINKS, TIE CLASPS, CHARMS, FINGER RINGS, BELT BUCKLES, AND ORNAMENTAL SHIELDS, ALL OF PRECIOUS METAL

International Class(es): 014

U.S Class(es): 028 - Primary Class

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Dec. 16, 1925

Use in Commerce: Dec. 16, 1925

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information



Owner Name: ALPHA PHI OMEGA

Owner Address: 1627 MAIN STREET  
KANSAS CITY, MISSOURI 64108  
UNITED STATES

Legal Entity Type: NOT-FOR-PROFIT CORPORATION

State or Country Where Organized: MISSOURI

### Attorney/Correspondence Information

#### Attorney of Record

Attorney Name: HOVEY, WILLIAMS, TIMMONS & COLLINS

#### Correspondent

Correspondent: HOVEY, WILLIAMS, TIMMONS & COLLINS  
Name/Address: 1400 MERCANTILE BANK TWR  
1101 WALNUT ST  
KANSAS CITY, MISSOURI 64106  
UNITED STATES

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Dec. 23, 2000	CANCELLED SEC. 8 (10-YR)/EXPIRED SECTION 9	
Nov. 30, 1989	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	
Aug. 11, 1989	MISCELLANEOUS PAPER	
Dec. 10, 1969	REGISTERED AND RENEWED (SECOND RENEWAL - 20 YRS)	

### Maintenance Filings or Post Registration Information

Renewal Date: Dec. 10, 1989

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: FILE REPOSITORY (FRANCONIA)

Date in Location: Feb. 06, 1990

### Assignment Abstract Of Title Information

#### Summary

Conveyance Filter

Total Assignments: 1

Registrant: ALPHA PHI OMEGA

#### Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 0182/0049

Pages: 1

Date Recorded: Oct. 02, 1969

Supporting Documents: No Supporting Documents Available

#### Assignor

Name: ALPHA PHI OMEGA

Execution Date: Sep. 29, 1969

Legal Entity Type: A VOLUNTARY ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

**Assignee**

**Name:** ALPHA PHI OMEGA

**Legal Entity Type:** A NOT-FOR-PROFIT CORP.

**State or Country Where** MISSOURI

**Organized:**

**Address:** 1100 WALTOWER BUILDING

**Correspondent**

**Correspondent Name:** SCHMIDT, JOHNSON, HOVEY, ET AL.

**Correspondent Address:** 925 GRAND AVENUE  
KANSAS CITY, MO 64106

**Domestic Representative - Not Found**

**Proceedings - None recorded**

# EXHIBIT 15

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**OMEGA, S.A.,**

**OPPOSER,**

**v.**

**ALPHA PHI OMEGA,**

**APPLICANT.**

**Opposition No. 91197505**

**Serial No. 77905236**

**OMEGA, S.A.,**

**OPPOSER,**

**v.**

**ALPHA PHI OMEGA,**

**APPLICANT.**

**Opposition No. 91197504**

**Serial No. 77950436**

**APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF  
REQUESTS FOR ADMISSION**

Applicant, Alpha Phi Omega, by counsel, for its responses to Opposer's First Set of Requests for Admission, states as follows:

**REQUESTS**

**REQUEST NO. 1:** All documents produced by Applicant in response to Opposer's First Set of Requests for the Production of Documents and Things in this proceeding are genuine pursuant to the Federal Rules of Evidence.

**RESPONSE:** Although applicant should be in a position to admit that some documents are "genuine," there might be others that it is not in a position to so admit. Accordingly, Applicant objects to this request because it does not separately identify the documents as required by the rules and regulations relating to Requests for Admissions.

shirts, and sweat shirts." Alpha Phi Omega is unaware of the sale of any of these items in jewelry stores and therefore denies so much of this request as relates to the '236 application. The '436 Mark sought to be registered is Alpha Phi Omega's coat-of arms. The goods recited in the '436 application are jewelry, namely jewelry bearing the coat-of arms of Alpha Phi Omega, but as noted above, although these items might be sold in college book stores and Greek affinity products stores on or near college campuses which might also have sections in which are sold jewelry bearing the insignia of the college and insignia of student organizations on the campus, including fraternities and sororities, Applicant is unaware of any sale of these products at conventional consumer product "jewelry stores" and for that reason, denies this request.

**REQUEST NO. 6:** Applicant offers Products under Applicant's Marks in the United States through stores that sell, among other things, watches.

**RESPONSE:** Applicant objects to the relevance of this request, but will not dispute that stores which might sell products bearing the Marks sought to be registered, namely, college book stores and Greek affinity products stores on or near college campuses might also sell watches.

**REQUEST NO. 7:** Applicant was aware of the existence of Opposer's Marks prior to its adoption and use of Applicant's Marks.

**RESPONSE:** Alpha Phi Omega can neither admit nor deny this request. Applicant's name, ALPHA PHI OMEGA, its Greek letter insignia, ΑΦΩ, and its coat-of-arms insignia were adopted in 1925 by the founders of the Alpha Phi Omega Fraternity and each of the founders of Alpha Phi Omega are now deceased. Accordingly, no reasonable inquiry is at all possible to readily obtain the information here requested; there is no information readily available to Alpha Phi Omega from which it can determine whether to admit or deny this request.

**REQUEST NO. 8:** Applicant was aware of the existence of one or more of Opposer's Marks prior to adoption and use of Applicant's Marks.

**RESPONSE:** Alpha Phi Omega can neither admit nor deny this request. Applicant's name, ALPHA PHI OMEGA, its Greek letter insignia, ΑΦΩ, and its coat-of-arms insignia were adopted in 1925 by the founders of the Alpha Phi Omega Fraternity and each of the founders of Alpha Phi Omega are now deceased. Accordingly, no reasonable inquiry is at all possible to readily obtain the information here requested; there is no information readily available to Alpha Phi Omega from which it can determine whether to admit or deny this request.

**REQUEST NO. 9:** Prior to Applicant's filing of the Application, Applicant was aware of Opposer.

**RESPONSE:** Applicant objects to this request. The requested information is neither relevant, nor calculated to lead to the discovery of any relevant information.

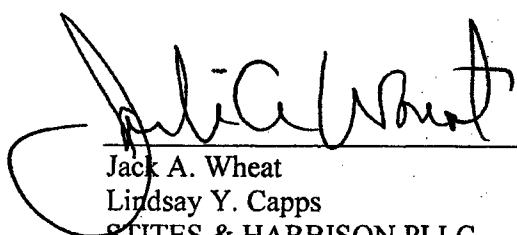
**REQUEST NO. 10:** Prior to Applicant's filing of the Applications, Applicant was aware of one or more of Opposer's Marks.

**RESPONSE:** Applicant objects to this request. The requested information is neither relevant, nor calculated to lead to the discovery of any relevant information.

**REQUEST NO. 11:** Prior to Applicant's filing of the Applications, Applicant was aware that Opposer sold watches under one or more Opposer's Marks.

**RESPONSE:** Applicant objects to this request. The requested information is neither relevant, nor calculated to lead to the discovery of any relevant information.

**REQUEST NO. 12:** Prior to Applicant's filing of the Applications, Applicant was aware that Opposer sold jewelry under the marks OMEGA, Ω, and/or Ω + OMEGA.



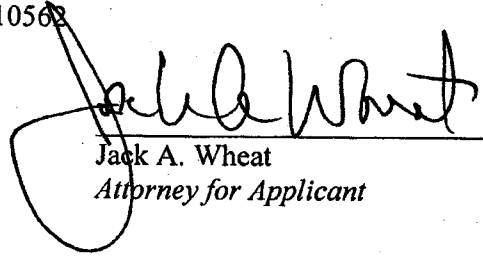
Jack A. Wheat  
Lindsay Y. Capps  
STITES & HARBISON PLLC  
400 West Market Street, Suite 1800  
Louisville, Kentucky 40202-3352  
Telephone: (502) 587-3400

Counsel for Alpha Phi Omega

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the forgoing has been served on counsel  
for Opposer by mailing said copy this 1st day of May, 2013, via First Class Mail, postage  
prepaid, to:

Jess M. Collen  
Thomas P. Gulick  
Oren Gelber  
COLLEN IP  
The Holyoke-Manhattan Building  
80 South Highland Ave.  
Ossining, New York 10562



Jack A. Wheat  
*Attorney for Applicant*

AL169:00AL1:924336:1:LOUISVILLE

## EXHIBIT 16



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA, S.A.,

OPPOSER,

v.

ALPHA PHI OMEGA,

APPLICANT.

Opposition No. 91197505

Serial No. 77905236

OMEGA, S.A.,

OPPOSER,

v.

ALPHA PHI OMEGA,

APPLICANT.

Opposition No. 91197504

Serial No. 77950436

**APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF REQUESTS FOR THE  
PRODUCTION OF DOCUMENTS AND THINGS**

Applicant, Alpha Phi Omega, by counsel, for its responses to Opposer's First Set of Requests for the Production of Documents and Things, states as follows:

**DOCUMENTS TO BE PRODUCED**

**REQUEST NO. 1:** All documents which refer to, relate to, or evidence the first use in interstate commerce of Applicant's Marks by Applicant.

**RESPONSE:** Applicant's name, ALPHA PHI OMEGA, its Greek letter insignia, ΑΦΩ, and its coat-of-arms insignia were adopted in 1925 by the founders of the Alpha Phi Omega Fraternity and each of the founders of Alpha Phi Omega are now deceased. Applicant is unaware what, if any documentation may be reasonably available to it "which refer to, relate to, or evidence *the first use* in interstate commerce of Applicant's Marks by Applicant" (emphasis added). If able to locate any such items, representative items will be produced.

**REQUEST NO. 12:** Representative invoices evidencing Applicant's yearly sales (in dollars) in the United States, of Products bearing Applicant's Marks.

**RESPONSE:** Applicant objects to this unreasonable and unnecessarily invasive harassing discovery request. Whether Applicant's Marks have obtained secondary meaning, are widely known, or famous is not an issue in these Opposition proceedings. Alpha Phi Omega has been in business for nearly 90 years, since 1925, and has used the marks continuously since its founding, including licensed uses by vendors of Greek affinity merchandise with the approval of Alpha Phi Omega. The extent of use, fame of, or secondary meaning associated with the marks of the Applicant are not issues in the pending Oppositions. Accordingly, Alpha Phi Omega objects to this Interrogatory because the requested information appears neither relevant, nor likely to lead to the discovery of any relevant information. Further, considering the lack of pertinence of the requested information, it is unnecessarily invasive for Opposer to request this information and unnecessarily burdensome for Alpha Phi Omega to accumulate the requested impertinent information.

**REQUEST NO. 13:** Representative documents identifying the number of Products bearing Applicant's Marks sold by Applicant in the United States.

**RESPONSE:** Alpha Phi Omega has been in business for nearly 90 years, since 1925, and has used the marks continuously since its founding, including licensed uses by vendors of Greek affinity merchandise with the approval of Alpha Phi Omega. Applicant objects to the burden of responding to this request. Alpha Phi Omega further objects because the requested information appears neither relevant, nor likely to lead to the discovery of any relevant information. The '236 Mark sought to be registered is Alpha Phi Omega's Greek Alphabet letters insignia, ΑΦΩ. This application is for assorted clothing lines, namely, headwear, jackets, shirts, and sweat shirts. The

'436 Mark sought to be registered is Alpha Phi Omega's coat-of arms. This application is for jewelry. Applicant object to the relevance of this request. The number of hat designs, the number of jacket designs, the number of shirt designs, the number of sweat shirt designs, the number of jewelry designs is neither relevant, nor reasonably calculated to lead to the discovery of any relevant information. Further, considering the lack of pertinence of the requested information, it is unnecessarily invasive for Opposer to request this information and unnecessarily burdensome for Alpha Phi Omega to accumulate the requested impertinent information. Notwithstanding, Applicant will produce a current sampling of advertising and point of purchase materials demonstrating a variety products sold under Applicant's Marks.

**REQUEST NO. 14:** Representative documents identifying Products bearing Applicant's Marks that are, or were, sold or advertised by Applicants in the United States.

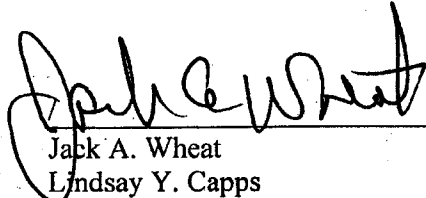
**RESPONSE:** Alpha Phi Omega has been in business for nearly 90 years, since 1925, and has used its marks continuously since its founding, including licensed uses by vendors of Greek affinity merchandise with the approval of Alpha Phi Omega. Applicant objects to the burden of responding to this request. Applicant will produce a current sampling of advertising and point of purchase materials relating to products currently sold under Applicant's Marks.

**REQUEST NO. 15:** All documents identifying Products Applicant plans to sell, market or develop in the United States under Applicant's Marks in the future.

**RESPONSE:** Applicant objects to this unreasonably and unnecessarily invasive harassing discovery request. The requested information appears neither relevant, nor likely to lead to the discovery of any relevant information.

**REQUEST NO. 16:** Any tags or labels used by Applicants in connection with the sale of Products under the Applicant's Marks in the United States.

**RESPONSE:** Applicant objects to the lack of "reasonable particularity" of this request in contravention of the rules and regulations relating to the propounding of Requests for Production. Applicant further here incorporates by reference each and every objection stated above. Additionally, Applicant objects to the this request to the extent it would burden applicant to locate and produce documents duplicative of the documents and samplings Applicant is producing. Alpha Phi Omega has been in business for nearly 90 years, since 1925, and has used the marks continuously since its founding, including licensed uses by vendors of Greek affinity merchandise with the approval of Alpha Phi Omega. Accordingly because this request is unlimited in scope and time, it would be harassing and burdensome to require Applicant to fish through 90 years of records to locate any documents of limited relevance.



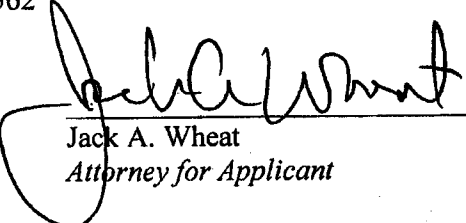
Jack A. Wheat  
Lindsay Y. Capps  
STITES & HARBISON PLLC  
400 West Market Street, Suite 1800  
Louisville, Kentucky 40202-3352  
Telephone: (502) 587-3400

Counsel for Alpha Phi Omega

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the forgoing has been served on counsel for Opposer by mailing said copy this 1st day of May, 2013, via First Class Mail, postage prepaid, to:

Jess M. Collen  
Thomas P. Gulick  
Oren Gelber  
COLLEN IP  
The Holyoke-Manhattan Building  
80 South Highland Ave.  
Ossining, New York 10562



Jack A. Wheat  
*Attorney for Applicant*

AL169:00AL1:924334:1:LOUISVILLE

## EXHIBIT 17



Telephone (914) 941-5668

Facsimile (914) 941-6091

www.collenIP.com

Email: ogelber@collenIP.com

June 13, 2013

**BY EMAIL TO: JWHEAT@STITES.COM**

**CONFIRMATION BY MAIL**

Stites & Harbison PLLC

400 W Market Street, Suite 1800

Louisville, KY 40202-3352

Attention: Jack A. Wheat, Esq.

RE: U.S. Trademark Oppositions 91197505; 91197504  
*Omega SA (Omega AG) (Omega Ltd.) v. Alpha Phi Omega*  
Adverse Applicant : Alpha Phi Omega  
Adverse Marks : ΑΦΩ; ALPHA PHI OMEGA & design  
Adverse Serial Nos.: 77/905,236; 77/950,436  
Our Refs. : K654; K655

Dear Mr. Wheat:

I am writing to address deficiencies in Applicant's responses to Opposer's First Set of Requests for Admissions, First Set of Interrogatories, and First Set of Requests for the Production of Documents and Things.

With respect to Applicant's responses to Opposer's First Set of Requests for Admissions, Opposer believes that the responses to requests 1, 3, 9-18 are deficient for the reasons set forth below.

- Response to Request 1: Request 1 asks Applicant to admit that all documents produced by Applicant in response to Opposer's First Set of Requests for the Production of Documents and Things in this proceeding are genuine pursuant to the Federal Rules of Evidence. In response, Applicant objects to this requests because it does not separately identify the documents as allegedly required by the rules and regulations relating to Requests for Admissions. To Opposer's knowledge, Fed. R. Civ. P 36(a)(2) does not require that each individual document be identified. Rule 36(a)(2) does require that a copy of the document(s) be provided unless it is, or has been, otherwise furnished or made available for inspection. This requirement is met as Opposer seeks an admission that the documents *produced by Applicant* are genuine. Applicant has full knowledge of these

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*produced by Applicant* are genuine. Applicant has full knowledge of these documents. Further, as Applicant has now served its document production, Applicant is obligated to supplement its response to this request based upon such production.

- Request No. 3: Request 3 asks Applicant to admit that all documents produced by Applicant in response to Opposer's First Set of Requests for the Production of Documents and Things in this proceeding are admissible as evidence in this proceeding under the Federal Rules of Evidence, subject to any objections on the grounds of relevance. Applicant advised that it cannot respond because it had not identified the documents it would produce. As Applicant has now served its document production, Applicant is obligated to supplement its response to this request based upon such production.
- Responses to Requests 9-12: Requests for Admissions 9-12 inquire about Applicant's knowledge of Opposer, Opposer's Marks, and Opposer's use of its Marks on watches and/or jewelry prior to the filing of Applicant's application. Applicant objects to each of these requests as being "neither relevant, nor calculated to lead to the discovery of any relevant information." Prior knowledge of a mark can be indicative of intent to cause confusion or to "piggy back" off the goodwill which has inured to the senior user's mark. Further, T.B.M.P. 414(19) states that "information concerning a defendant's actual knowledge of plaintiff's use of the plaintiff's involved mark, including whether defendant has actual knowledge thereof, and, if so, when and under what circumstances it acquired such knowledge, is discoverable."
- Response to Request 13: Applicant denies that the "goods listed in Applications for Applicant's Marks are highly similar to the goods and services Opposer offers under Opposer's Marks." This is inconsistent with other documents and responses of Applicant. Applicant must amend its response to this Request.
- Request to Admit 14: This Request ask Applicant to admit that Opposer's date of first use of Opposer's Marks pre-dates the date of first use of Applicant's Marks. Applicant responds that Opposer did not furnish evidence of its first use and thus Applicant is unable to respond. This is an incorrect statement of the facts in this case. Opposer produced numerous documents attesting to the first use of Opposer's Marks. Accordingly, Applicant's objection is without basis and Applicant's response to this Request must be amended.
- Responses to Requests 15-16: Requests 15 and 16 ask Applicant to admit that it had knowledge of Opposer's Marks prior to submitting its applications to register Applicant's Marks. Applicant objects to both of these requests as being "neither relevant, nor calculated to lead to the discovery of any relevant information." As discussed above, prior knowledge of a mark can



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be indicative of intent to cause confusion or to "piggy back" off the goodwill which has inured to the senior user's mark. Further, T.B.M.P. 414(19) states that "information concerning a defendant's actual knowledge of plaintiff's use of the plaintiff's involved mark, including whether defendant has actual knowledge thereof, and, if so, when and under what circumstances it acquired such knowledge, is discoverable."

- Responses to Requests 17-18: Requests 17 and 18 ask Applicant to admit that Opposer's Marks are well-known in the United States and are famous marks. Applicant objects that such requests are irrelevant and are not reasonably calculated to lead to the discovery of relevant information. Because such requests are relevant to Opposer's claim of dilution, which requires that Opposer's mark be well-known and famous, Applicant's objection is improper, as is the territorial objection given the instructions provided by Opposer which explicitly state that "[u]nless otherwise noted, the geographic scope of these discovery requests is limited to the United States."

With respect to Applicant's responses to Opposer's First Set of Requests for the Production of Documents and Things, the responses to requests 2, 12, 13, 15, 19, 20 and 34 are deficient for the reasons set forth below.

- Response to Request 2: Request 2 generally seeks production of documents evidencing any corporations, companies, partnerships, etc. through which Applicant sells, advertises, and/or markets Products bearing Applicant's Marks. Applicant objects that the requested information is neither relevant, nor reasonably calculated to lead to the discovery of any relevant information. Such objections are unfounded as such third parties would have knowledge regarding the use of Applicant's Marks and the channels of trade through which the goods bearing Applicant's Marks are distributed, which are directly relevant to likelihood of confusion in these oppositions. Opposer requests that Applicant remove the relevance objection and that Applicant produce any documents which were withheld based upon this objection.
- Responses to Requests 12 & 13: In request 12, Opposer seeks production of representative invoices evidencing Applicant's yearly sales in the United States of Products bearing Applicant's Marks. In request 13, Opposer seeks production of representative documents identifying the number of Products bearing Applicant's Marks sold by Applicant in the United States. Applicant objects to these requests as "neither relevant, nor likely to lead to the discovery of any relevant information." Such information is also relevant and, as per T.B.M.P. 414(18), "annual sales and advertising figures, stated in round numbers, for a party's involved goods of services sold under its

involved mark are proper matters for discovery.” This evidence is also relevant to determining the veracity of Applicant’s claims that it has continuously used the opposed marks as well as the degree to which the parties have coexisted, as Applicant claims. Since the standard protective order is in effect, Applicant may provide any responsive, confidential materials in accordance with the order.

- Response to Request 15: In request 15, Opposer seeks production of all documents identifying Products Applicant plans to sell, market, or develop in the United States under Applicant’s Marks in the future. Applicant objects to these requests as “neither relevant, nor likely to lead to the discovery of any relevant information.” Applicant fails to recognize that such information is relevant and, as per T.B.M.P. 414(8), “a party’s plans for expansion may be discoverable under a protective order.” Since the standard protective order is in effect, Applicant is obliged to provide any responsive, confidential materials in accordance with the order.
- Response to Request 19: Request 19 seeks the production of communications concerning the significance of the term OMEGA or the symbol “Ω” to Applicant and/or Applicant’s Mark. Opposer objected that the significance is disclosed during a confidential ritual. Such a response is consistent with Applicant’s response to Interrogatory No. 11, in which Applicant disclosed that the symbol “Ω” is the first letter in the Greek word “Ophelia.” Furthermore, to the extent that Applicant claims that the ritual used during the initiation ceremony is confidential, such objection is irrelevant in light of the standard protective order. Since the standard protective order is in effect, Applicant is obliged to provide any responsive, confidential materials in accordance with the order.
- Response to Request 20: Request 20 seeks a representative sample of documents relating to the advertising in the United States of any Products sold by Applicant under Applicant’s Marks, including invoices for advertising services, for each year the mark has been used. Applicant objects that this request is “neither relevant, nor likely to lead to the discovery of any relevant information.” Pursuant to T.B.M.P. 414(18) however, “annual sales and advertising figures, stated in round numbers, for a party’s involved goods or services sold under its involved mark are proper matters for discovery.” This evidence is relevant to determining the veracity of Applicant’s claims that it has continuously used the opposed marks. Since the standard protective order is in effect, Applicant is obliged to provide any responsive, confidential materials in accordance with the order.
- Response to Request 34: Request 34 seeks documents evidencing all other uses by Applicant of the term OMEGA, the symbol “Ω”, and/or the symbol that constitutes Applicant’s Mark, alone or in combination with other elements. Applicant objects that this request is neither relevant nor

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reasonably calculated to lead to the discovery of relevant information. This request is relevant because it seeks information regarding Applicant's use of its own marks and the use of Opposer's marks. This information is relevant to a likelihood of confusion analysis. Pursuant to T.B.M.P. 414(11), information that a party sells the same goods or services as the propounding party, even if under a different mark, is relevant to the issue of likelihood of confusion for purposes of establishing the relationship between the goods or services of the parties.

With respect to Applicant's responses to Opposer's First Set of Interrogatories, the responses to requests 3, 9, 11, 14 and 16 are deficient for the reasons set forth below.

- Interrogatory No. 3: Applicant's response to interrogatory 3 is unresponsive to the question presented. Opposer seeks information regarding the earliest date susceptible to proof when Applicant made sales of the Products identified in response to interrogatory 2. Applicant responds that its marks have been in use since 1925, but does not mention the first sale of the specific Products identified in response to interrogatory 2.
- Interrogatory No. 9: Interrogatory 9 requests that Applicant identify the total amount of marketing and/or advertising expenditures for Products bearing Applicant's marks in the United States incurred by Applicant. Applicant objects that this request is neither relevant, nor likely to lead to the discovery of any relevant information. Due to the asserted lack of relevance and "unnecessarily invasive" nature of the request, Applicant did not offer a response. Pursuant to T.B.M.P 414(18) however, "annual sales and advertising figures, stated in round numbers, for a party's involved goods of services sold under its involved mark are proper matters for discovery." This evidence is relevant to determining the veracity of Applicant's claims that it has continuously used the opposed marks. Since the standard protective order is in effect, Applicant obliged to provide any responsive, confidential materials in accordance with the order.
- Interrogatory No. 11: Interrogatory 11 inquires about the significance of the term OMEGA or the symbol "Ω" to Applicant and/or Applicant's Mark. In response Applicant notes that the symbol "Ω" is the first letter in the Greek word "Ophelia," meaning to be of service. However, Applicant does not disclose how this relates to Applicant or Applicant's Mark. Please clarify.
- Interrogatories No. 14 & 16: Interrogatory 14 requests generally identification of all third party uses, through license agreements or otherwise, of Applicant's Mark of which Applicant is aware. Interrogatory 16 requests that Applicant identify any assignment, license, royalty or other permitted use agreements with respect to any Products bearing the

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party's awareness of a third-party use of the same or similar marks for the same or closely related goods or services as an involved mark, is discoverable." Pursuant to T.B.M.P. 414(10), "information concerning... contractual agreements between a responding party and third parties based upon the responding party's mark is discoverable." To the extent that such information may be confidential, such information should be provided in accordance with the standard protective order.

In light of the foregoing deficiencies, Opposer demands that Applicant immediately supplement its response with full, complete and substantive answers to Opposer's discovery responses by June 18, 2013.

To the extent that Applicant does not have responsive documents or information relevant to a particular Request or Interrogatory, Applicant should state this fact in unequivocal terms in its amended and/or supplemental responses.

Finally, we advise our response to Applicant's deficiency letter will be forthcoming. We enclose Opposer's Supplemental Responses to Applicant's First Set of Interrogatories.

Should you wish to discuss these deficiencies, please do not hesitate to contact me.

Very truly yours,  
COLLEN /P



Oren Gelber

JMC/OG/KAM:eg

Enclosure: Supplemental Response to Interrogatories

p:\K\K6\K655\_Deficiency Letter to Opp\_130529.docx

# EXHIBIT 18

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: ALPHA PHI OMEGA and design  
Opp. No.: 91197504 (Parent)  
Serial No.: 77950436

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: AΦΩ  
Opp. No.: 91197505 (Child)  
Serial No.: 77905236

**OPPOSER'S SUPPLEMENTAL RESPONSES TO APPLICANT'S  
FIRST SET OF INTERROGATORIES**

Opposer Omega SA (Omega AG) (Omega Ltd.) (hereafter, "Opposer"), hereby serves its responses and objections to Applicant's First Set of Interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure.

**PREAMBLE:**

Opposer, with Applicant's consent, moved to consolidate Opposition Nos. 91197504 and 91197505 on February 19, 2013. On February 28, 2013, while the Motion to Consolidate Related Proceedings was pending, Applicant served Opposer with two sets of discovery requests,

one under the caption for Opposition No. 91197504 and the other under the caption for Opposition No. 91197505. On March 18, 2013, the Trademark Trial and Appeal Board consolidated Opposition Nos. 91197504 and 91197505.

In light of the fact that the majority of Applicant's discovery requests in Opposition No. 91197504 are identical to Applicant's discovery requests in Opposition No. 91197505, and in accordance with email correspondence between Opposer's counsel and Applicant's counsel on March 27, 2013, Applicant has agreed to accept one set of responses to both sets of Applicant's discovery requests. Where the wording of the discovery requests vary slightly given the reference to one specific mark of the two marks being opposed, Opposer has reproduced both sets of requests but has provided only one response addressing both requests.

#### **GENERAL OBJECTIONS**

1. Opposer objects to each and every interrogatory in their entirety on the ground that Opposer is responding on the basis of its current knowledge and information. Opposer reserves the right to supplement each response to these interrogatories.
2. Opposer objects to each and every interrogatory insofar as and to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such information. Any inadvertent disclosure of such information shall not be a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.
3. Opposer objects to each and every interrogatory insofar as and to the extent it seeks divulgence of trade secrets, confidential or proprietary information of any third-party, such information will not be disclosed. To the extent each and every request seeks divulgence of such information of Opposer, such information will be disclosed subject to an appropriate protective

order, signed by the parties and their counsel, and ordered by the Trademark Trial & Appeal Board.

4. Opposer objects to each and every interrogatory to the extent it seeks disclosure of information relating to or revealing proprietary development and marketing activities for products not yet manufactured or not yet on sale or otherwise employed. The slight relevance, if any, of such highly confidential trade secret information is vastly outweighed by the severe prejudice that would result to Opposer were it to be disclosed or available to competitors of Opposer. Opposer will not provide such information.
5. Opposer objects to each and every interrogatory to the extent it calls for information neither relevant to the subject matter of this Action nor reasonably calculated to lead to the discovery of admissible evidence.
6. Opposer objects to Applicant's definitions in their entirety to the extent same seeks to impose obligations on Opposer beyond those permitted by the Federal Rules of Civil Procedure or the Local Rules applicable to this matter.
7. Opposer objects to each and every interrogatory to the extent it calls for information that exceeds a reasonable durational scope.
8. Opposer objects to each and every interrogatory to the extent it calls for information not yet available as these responses are made during the discovery process. Opposer reserves the right to supplement responses when the information becomes available.
9. Opposer objects to each and every interrogatory to the extent it is overly broad, vague and ambiguous, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.



10. Opposer objects to each and every interrogatory to the extent it is duplicative.
11. Opposer objects to each and every interrogatory to the extent that it is not limited in geographic scope to the United States.
12. Opposer objects to the extent it is not required to respond to these interrogatories to the extent that Applicant has exceeded the permitted number of interrogatories, including subparts, as set forth in 37 C.F.R. § 2.120(d)(1), and TBMP §§ 405.03(a) and 405.03(e).

### **SPECIFIC OBJECTIONS AND RESPONSES**

#### **INTERROGATORY NO. 1**

State the address of each location in the United States at which applicant maintains a place of business for the promotion, sale, or distribution of products promoted and/or sold under any of the marks upon which the Opposition is based.

#### **ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Specifically, Opposer objects to this interrogatory to the extent that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this interrogatory to the extent that it seeks information that is publicly available and equally accessible to Applicant at its own cost. Notwithstanding and without waiving any of the foregoing objections, Opposer responds:

- The Swatch Group (U.S.) Inc. is Opposer's exclusive U.S. licensee, located at 1200 Harbor Boulevard, 7th Floor, Weehawken, NJ 07086
- Opposer states that its products are sold through retail stores. Information regarding the retail locations where Opposer's products are sold can be found at Opposer's Web site at

<http://www.omegawatches.com>. Opposer will make available a list of the names and locations of the retail locations where its products and services sold. Opposer also identifies OMEGA boutiques are located at the following addresses: 909 North Michigan Avenue, Chicago, IL 60611, 390 Hackensack Avenue, Hackensack, NJ 07601, 4663 River City Drive, Jacksonville, FL 32246, 8500 Beverly Boulevard, Los Angeles, CA 90048, 2126 Abbott Martin Road, Nashville, TN 37215, 711 Fifth Avenue, New York, NY 10022, 1000 Ross Park Mall Drive, Pittsburgh, PA 15237, 7014 East Camelback Road, Scottsdale, AZ 85251, 411 University Street, Seattle, WA 98101, 125 Westchester Avenue, White Plains, NY 10601. In addition, Opposer also sells sports timing apparatus, instruments and installations through a third party.

**SUPPLEMENTAL ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Specifically, Opposer objects to this interrogatory to the extent that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this interrogatory to the extent that it seeks information that is publicly available and equally accessible to Applicant at its own cost. Notwithstanding and without waiving any of the foregoing objections, Opposer responds:

- The Swatch Group (U.S.) Inc. is Opposer's exclusive U.S. licensee, located at 1200 Harbor Boulevard, 7th Floor, Weehawken, NJ 07086
- Opposer states that its products are sold through retail stores. Information regarding the retail locations where Opposer's products are sold can be found at Opposer's Web site at <http://www.omegawatches.com>. Opposer has produced a list of the names and locations

of the retail locations where its products and services sold. See OSA000029-218.

Opposer also identifies OMEGA boutiques are located at the following addresses: 909 North Michigan Avenue, Chicago, IL 60611, 390 Hackensack Avenue, Hackensack, NJ 07601, 4663 River City Drive, Jacksonville, FL 32246, 8500 Beverly Boulevard, Los Angeles, CA 90048, 2126 Abbott Martin Road, Nashville, TN 37215, 711 Fifth Avenue, New York, NY 10022, 1000 Ross Park Mall Drive, Pittsburgh, PA 15237, 7014 East Camelback Road, Scottsdale, AZ 85251, 411 University Street, Seattle, WA 98101, 125 Westchester Avenue, White Plains, NY 10601. In addition, Opposer also sells sports timing apparatus, instruments and installations through a third party.

### **INTERROGATORY NO. 3**

Itemize on an annual basis the unit and dollar volume of all sales in the United States prior to 1925 of any product sold under the marks upon which this Opposition is based.

### **ANSWER**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational scope, Opposer will make documents available that are responsive to this interrogatory.

### **SUPPLEMENTAL ANSWER**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational scope, Opposer has produced responsive documents. See OSA002802; OSA002853-2859; OSA002861. Opposer reserves its right to supplement its response to this Interrogatory.

### **INTERROGATORY NO. 4**

Describe in detail and itemize on an annual basis the extent of any advertising or other marketing efforts in the United States prior to 1925 of any product being advertised or marketed under the marks upon which this Opposition is based.

### **ANSWER**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational scope, Opposer will make documents available that are responsive to this

interrogatory.

**SUPPLEMENTAL ANSWER**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational scope, Opposer has produced documents that are responsive to this interrogatory. See OSA002803-2826; OSA002848. Opposer reserves its right to supplement its response to this Interrogatory.

**INTERROGATORY NO. 5**

Identify by date, and describe in detail the source and nature of any media attention received in the United States prior to 1925 relating to any product marketed in the United States under the marks upon which the Opposition is based.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its responses to a

reasonable durational scope, Opposer will make documents available that are responsive to this interrogatory.

**SUPPLEMENTAL ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its responses to a reasonable durational scope, Opposer has produced documents that are responsive to this interrogatory. See OSA000219-1766. Opposer reserves its right to supplement its response to this Interrogatory.

**INTERROGATORY NO. 7**

Describe in detail the channels of distribution in the United States for product bearing the marks upon which the Opposition is based.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer further objects to the extent that this interrogatory seeks production of confidential and/or commercially sensitive information in the absence of a signed protective order filed with the Board. Opposer objects to this interrogatory as being overbroad, vague and ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects that this interrogatory is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer

further objects that this interrogatory is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Opposer objects to this interrogatory as duplicative of Interrogatory No. 1. Opposer also objects to this interrogatory to the extent it seeks public information that is equally available to Applicant through its own efforts and at its own cost.

Subject to, and without waiving the foregoing objections, and limiting its responses to the United States and to a reasonable durational scope, Opposer responds that its products are sold through retail stores. Information regarding the retail locations where Opposer's products are sold can be found at Opposer's Web site at <http://www.omegawatches.com>. Opposer will make available a list of the names and locations of the retail locations where its products and services sold. Opposer also identifies OMEGA boutiques are located at the following addresses: 909 North Michigan Avenue, Chicago, IL 60611, 390 Hackensack Avenue, Hackensack, NJ 07601, 4663 River City Drive, Jacksonville, FL 32246, 8500 Beverly Boulevard, Los Angeles, CA 90048, 2126 Abbott Martin Road, Nashville, TN 37215, 711 Fifth Avenue, New York, NY 10022, 1000 Ross Park Mall Drive, Pittsburgh, PA 15237, 7014 East Camelback Road, Scottsdale, AZ 85251, 411 University Street, Seattle, WA 98101, 125 Westchester Avenue, White Plains, NY 10601. In addition, Opposer also sells sports timing apparatus, instruments and installations through a third party.

**SUPPLEMENTAL ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer further objects to the extent that this interrogatory seeks production of confidential and/or commercially sensitive information in the absence of a signed protective order filed with

the Board. Opposer objects to this interrogatory as being overbroad, vague and ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects that this interrogatory is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this interrogatory is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Opposer objects to this interrogatory as duplicative of Interrogatory No. 1. Opposer also objects to this interrogatory to the extent it seeks public information that is equally available to Applicant through its own efforts and at its own cost.

Subject to, and without waiving the foregoing objections, and limiting its responses to the United States and to a reasonable durational scope, Opposer responds that its products are sold through retail stores. Information regarding the retail locations where Opposer's products are sold can be found at Opposer's Web site at <http://www.omegawatches.com>. Opposer has produced a list of the names and locations of the retail locations where its products and services sold. See OSA000029-218. Opposer also identifies OMEGA boutiques are located at the following addresses: 909 North Michigan Avenue, Chicago, IL 60611, 390 Hackensack Avenue, Hackensack, NJ 07601, 4663 River City Drive, Jacksonville, FL 32246, 8500 Beverly Boulevard, Los Angeles, CA 90048, 2126 Abbott Martin Road, Nashville, TN 37215, 711 Fifth Avenue, New York, NY 10022, 1000 Ross Park Mall Drive, Pittsburgh, PA 15237, 7014 East Camelback Road, Scottsdale, AZ 85251, 411 University Street, Seattle, WA 98101, 125 Westchester Avenue, White Plains, NY 10601. In addition, Opposer also sells sports timing apparatus, instruments and installations through a third party. Opposer reserves the right to supplement its response to this Interrogatory.



**INTERROGATORY NO. 9**

Identify by name, address, occupation and telephone number any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis which supports the allegations of paragraph 13 of the Notice of Opposition that the Omega is a famous mark.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Omega S.A. further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer will make documents available that are responsive to this interrogatory.

**SUPPLEMENTAL ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Omega S.A. further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer

that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer has produced documents that are responsive to this interrogatory. See OSA00219-1767; OSA002803-2826; OSA002848. Opposer reserves the right to supplement its response to this Interrogatory.

#### **INTERROGATORY NO. 10**

Identify by name, address, occupation and telephone number any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis which supports any contention OMEGA was a famous mark in the United States as early as 1925.

#### **ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Opposer further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational scope, Opposer will make documents available responsive to this interrogatory.

**SUPPLEMENTAL ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein.

Opposer specifically objects that this interrogatory is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Interrogatory is not relevant to the instant proceedings. Opposer objects that this Interrogatory is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Opposer further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer has produced documents that are responsive to this interrogatory. See OSA00219-1767; OSA002803-2826; OSA002848. Opposer reserves the right to supplement its response to this Interrogatory.

**INTERROGATORY NO. 11**

Identify by name, address, occupation and telephone number any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis in support of the allegations of paragraph 14 of the Notice of Opposition that the mark sought to be registered dilutes or is likely to dilute the distinctive character of the marks upon which the Opposition is based.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects that this interrogatory is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this interrogatory is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Opposer objects that this Interrogatory is duplicative of Interrogatory Nos. 9 and 10. Omega S.A. further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to the U.S. and to a reasonable durational scope, Opposer will make documents available responsive to this interrogatory.

**SUPPLEMENTAL ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects that this interrogatory is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this interrogatory is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Opposer objects that this Interrogatory is duplicative of Interrogatory Nos. 9 and 10. Omega S.A. further objects that this Interrogatory is premature. Notwithstanding those

objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer has produced documents that are responsive to this interrogatory. See OSA00219-1767; OSA002803-2826; OSA002848. Opposer reserves the right to supplement its response to this Interrogatory.

#### **INTERROGATORY NO. 12**

Identify by name, address, occupation and telephone number any witness and itemize, identify, and describe in detail any testimonial or other evidentiary basis in support of any contention the commercial impression generated by the use of Applicant's Crest on products in the market in which those products pass is likely to be recognized as an identification or association with Opposer or its products.

#### **ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects that this interrogatory is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this interrogatory is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Omega S.A. further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet

determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to the U.S. and to a reasonable durational scope, Opposer will make documents available responsive to this interrogatory.

**SUPPLEMENTAL ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects that this interrogatory is not limited to a reasonable durational scope, especially as Opposer has been using its Omega Marks since at least as early as 1894. Opposer further objects that this interrogatory is not limited in geographic scope to the extent that it seeks information related to activities occurring outside the United States and which have no bearing on this proceeding. Omega S.A. further objects that this Interrogatory is premature. Notwithstanding those objections, and without waiving them, Opposer states that it has not yet determined who it will examine as a factual witness during the prosecution of this Opposition proceeding. Opposer will identify its fact witnesses in accordance with the deadlines and procedures which govern these proceedings. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to the U.S. and to a reasonable durational scope, Opposer has produced documents responsive to this interrogatory. See OSA001814-1826; OSA001828-1829; OSA001867-1873; OSA001968-1978; OSA001991-1994; OSA002011-2014; OSA002086-2115; OSA2120-2123; OSA002128-2133; OSA002140-

OSA2143; OSA002148-2158; OSA002161-2166; OSA002231-2232; OSA002242; OSA002248-2249. Opposer reserves the right to supplement its response to this Interrogatory.

**INTERROGATORY NO. 15**

Itemize, identify, and describe in detail any testimonial or other evidentiary basis supporting Opposer's denial of any of the Requests for Admissions propounded with these Interrogatories and in relation to each, identify by name, address, occupation and telephone number any person's with personal knowledge of same.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that by seeking to incorporate its Requests for Admission into these Interrogatories, Applicant therefore exceeds the 75 Interrogatory limit and is not in compliance with 37 C.F.R. § 2.120(d)(1), and TBMP §§ 405.03(a) and 405.03(e).

**SUPPLEMENTAL ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer incorporates by reference all of the objections it asserted in response to Applicants First Requests for Admission. Opposer objects that this request is overly broad, vague, ambiguous and unduly burdensome as Applicant has not identified any specific Request in particular. Opposer objects that this Interrogatory is not relevant to the instant proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Opposer incorporates by reference all of its objections to the denied Requests for Admissions, including that Applicant is attempting to impose upon Opposer an obligation beyond the scope of the Federal and

Trademark Rules, that Applicant is seeking information beyond Opposer's knowledge and that Applicant is attempting to obtain discovery which is irrelevant to the instant proceeding and not reasonably calculated to lead to the discovery of admissible evidence.

Respectfully Submitted  
As to Objections,

By: Oren Gelber  
Jess M. Collen  
Thomas P. Gulick  
Oren Gelber  
COLLEN IP  
THE HOLYOKE-MANHATTAN BUILDING  
80 South Highland Avenue  
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(914) 941-5668 Tel.  
(914) 941-6091 Fax  
*Counsel for Opposer Omega SA (Omega AG)*  
*(Omega Ltd.)*

Date: June 13, 2013



**CERTIFICATE OF SERVICE**

I, Edie Garvey, hereby certify that I caused a true and correct copy of Opposer's Supplemental Responses To Applicant's First Set Of Interrogatories to be served upon the following, via first class mail, postage prepaid this 13th Day of June, 2013.

Stites & Harbison PLLC  
400 W Market Street, Suite 1800  
Louisville, KY 40202-3352  
Attention: Jack A. Wheat, Esq.

Edie Garvey

# EXHIBIT 19



Telephone (914) 941-5668

Facsimile (914) 941-6091

www.collelP.com

Email: ogelber@collelP.com

June 17, 2013

**BY EMAIL ONLY TO: JWHEAT@STITES.COM**

Stites & Harbison PLLC

400 W Market Street, Suite 1800

Louisville, KY 40202-3352

Attention: Jack A. Wheat

RE: U.S. Trademark Oppositions 91197505; 91197504  
*Omega SA (Omega AG) (Omega Ltd.) v. Alpha Phi Omega*  
Adverse Applicant : Alpha Phi Omega  
Adverse Marks : ΑΦΩ; ALPHA PHI OMEGA & design  
Adverse Serial Nos.: 77/905,236; 77/950,436  
Our Refs. : K654; K655

Dear Mr. Wheat:

I am writing in response to your letter dated May 24, 2013. For the reasons that follow, Opposer's responses are sufficient in accordance with the TBMP and Federal Rules.

**Request for Admission No. 1, 3, 4:** Requests for Admission Nos. 1, 3, and 4 seek admissions related to third-party use of the symbol "Ω" or the word "omega." In addition to being irrelevant, these Requests require knowledge of the activities of third-parties, which Opposer does not have and is not required to investigate.

In addition, Requests 3 and 4 attempt to obtain information from prior to 1894. As noted, these Requests seek information beyond a reasonable durational scope. Opposer notes that Applicant similarly objected to certain discovery requests of Opposer which sought information relevant to Applicant's activities and knowledge dating back to 1925.

Given the wording and scope of these requests, Opposer lacks knowledge sufficient to admit or deny. Opposer properly noted that it cannot truthfully admit or deny these requests, due to, among other things, their overbreadth and a lack of



Colleen IP Intellectual Property Law, P.C., THE HOLYOKE-MANHATTAN BUILDING,  
80 South Highland Avenue, Ossining-on-Hudson, Westchester County, New York 10562 USA

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knowledge. This response is proper in accordance with TBMP § 407.03(b) and Fed. R. Civ. P. 36(a)(4).

Opposer further notes that Applicant deemed statement that it can neither admit nor deny or that it cannot respond to be appropriate in Response to Opposer's discovery requests. (See, for example, Applicant's response to Opposer's Request for Admission Nos. 7 and 8.).

**Request for Admission No. 6:** Opposer denies Request for Admission no. 6 on the grounds stated in its objections and because it seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedure. Nonetheless, the Applicant's and Opposer's respective applications and registrations are evidence which would support the contention that Opposer's and Applicant's products travel through the same channels of trade. Further, Applicant and Opposer's document production indicate that both parties market their products via the internet. Opposer's denial of this Request is proper.

**Request for Admission No. 7:** Opposer denies Request for Admission no. 7 in light of its objections and because it seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedure. Nonetheless, Applicant's applications and Opposer's registrations provide evidence which refutes the contention stated in the Request. Further, Applicant and Opposer's document production indicate that both parties market their products via the internet. Opposer's denial of this Request is proper.

**Request for Admission No. 8:** To the extent that Opposer understood this Request, it asked Opposer to "Admit that Opposer has no evidentiary basis to dispute" matters related to the commercial impression of Applicant's marks. This Request incorporates a number of facts of which Opposer has no knowledge including, Applicant's "products in the market," "related products", the "market in which those products pass" and "the commercial impression" of Applicant's marks. Opposer is under no obligation to investigate the commercial impression of Applicant's marks for purposes of admission. This request requires Opposer to make an admission based upon information that is within Applicant's knowledge, possession and/or control and further sought to impose upon Opposer obligations beyond the permissible scope. Opposer must deny the Request because it lacks knowledge sufficient to admit or deny.

**Request for Admission Nos. 9-11:** Opposer understood these Requests to inquire about instances of actual confusion and the association that Applicant's target consumers make with regard to Applicant's marks and Opposer's marks. These Requests require Opposer to make admission based upon Applicant's vague use of

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terms "related products," "relevant consumer" and "appreciable amount." As such, Opposer had no alternative but to deny the Request.

**Request for Admission No. 13:** Opposer responded to this request as sufficiently as possible. Opposer responded that it does not specifically advertise or market its class 14 or 25 goods to members of fraternities or sororities or their family members. (Note: With respect to Request for Document Production No. 21, there is no document or other tangible evidence which would support this denial.)

**Request for Admission No. 15:** Opposer denied Request for Admission number 15 on the basis of Applicant's cancelled registration (registration no. 0265052). Registration no. 0265052 was for the mark ALPHA PHI OMEGA used in association with jewelry. The cancellation of this mark is evidence that Applicant has not used the word Omega on jewelry continuously since at least 1925. Documentation evidencing the cancellation was not provided as such documentation is of public record and equally available to Applicant at its own cost. Furthermore, such information and documentation is presumably within Applicant's possession. Opposer's denial is therefore proper and not deficient.

**Requests for Admission Nos. 12, 14 16-46:**<sup>1</sup> Requests for Admission 12, 14 and 16-46 (32 of the 46 denied requests) relate to third-party utilization of insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega on jewelry in the United States. As Opposer asserted in its respective responses, these requests seek information that is beyond a reasonable durational scope, is not relevant to the instant proceeding and also imposes an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedure. Opposer does not have information relevant to the use of these third parties and is not required to investigate same.

In addition, many of these Requests are not reasonably limited in durational scope. Applicant made similar objections to certain discovery requests of Opposer.

Nevertheless, Opposer provides herewith its Amended Responses to Applicant's First Request for Admissions.

Given the subject matter, wording and scope of these requests, Opposer's prior and amended responses properly noted that it cannot truthfully admit or deny these requests, due to, among other things, their overbreadth, lack of relevance and due to Opposer's lack of knowledge. These responses are proper in

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<sup>1</sup> Requests for Admissions Nos. 34 and 35 are identical and therefore duplicative, as indicated by Opposer's objections in response to Request for Admission No. 35.

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accordance with TBMP § 407.03(b) and Fed. R. Civ. P. 36(a)(4). Applicant provided similar responses to Opposer's Request for Admissions. (See, for example, Applicant's response to Opposer's Request for Admission Nos. 7 and 8.).

**Request for Admission No. 48:** This Request is overly broad, ambiguous and vague. It also seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedure. As such, Opposer denies the Request.

**Request for Production No. 21:** To the extent that Opposer is in possession of documents responsive to this request, it has provided them. Furthermore, Applicant's terminology "evidentiary basis" in the Requests for Admission is overbroad and does not equate to documents. To the extent we were obligated under the rules to provide documents and things, we have done so. However, many of Applicant's Requests for Admissions were overly broad and sought information from Opposer which was not relevant to this proceeding and which sought to impose an obligation upon Opposer that was beyond the Federal and Trademark Rules. These objections are incorporated into Opposer's response to Request for Production No. 21. To the extent that Opposer denied a Request for Admission based upon a lack of sufficient knowledge or information, it logically follows that there are no responsive documents to produce.

**Interrogatory 15:** With respect to Interrogatory 15, Opposer objects because the number of Interrogatories exceeds the 75 interrogatory limit set by the TTAB Rules. Interrogatory 15 first requests that Opposer "itemize, identify, and describe in detail any testimonial or other evidentiary basis supporting Opposer's denial of any of the Requests for Admissions." Interrogatory 15 continues on to request that "in relation to each [of the testimonial or other evidentiary basis identified], identify by name, address, occupation and telephone number any person's with knowledge of same." As such, there are ten sub-parts to Interrogatory 15. Since Opposer denied 46 Requests for Admission, this amounts to a total of four-hundred and sixty (460) separate interrogatories.

Opposer also incorporated by reference its General Objections, which includes an objection that the request is "unduly burdensome." Opposer stands on its objection that Interrogatory 15 is unduly burdensome.

Furthermore, Opposer notes that its denial of numerous of Applicant's Requests for Admission was a result of Opposer's inability to respond to such Requests due to lack of knowledge, Applicant's attempt to impose an obligation beyond the scope of the Federal and Trademark Rules or the irrelevance of the information sought. Such objections would equally apply in response to Applicant's Interrogatory No. 15, which incorporates all the denied Requests for Admission.

**Omega Watch Fame in the U.S. Prior to 1925:**<sup>2</sup> Applicant's requests seeking evidence related to whether Opposer's marks were famous in the United States prior to 1925 are irrelevant and Opposer stands on that objection. As a general rule, in a use-based application under Section 1(a) of the Trademark Act, the party alleging fame must show that the mark had become famous prior to the applicant's use of the mark. *The Toro Company v. ToroHead, Inc.*, 2001 TTAB Lexis 823, 31, n. 9 (T.T.A.B. 2001). However, if the applicant does not provide testimony or proof of continuous use of the mark from the alleged date of first use, the earliest date upon which applicant can rely is its filing date. *National Aeronautics and Space Administration v. Record Chemical Co. Inc.*, 1975 TTAB Lexis 31 (T.T.A.B. 1975); *The Pep Boys Manny, Moe & Jack of California v. Cherng Lian Ent Co., Ltd.*, 2003 TTAB Lexis 190, 54-55 (T.T.A.B. 2003). Since Applicant in this case has yet to provide any evidence to establish continuous use of its marks since 1925, Opposer need only establish the fame of its mark as of Applicant's filing date(s). Information regarding the fame of Opposer's mark prior to 1925 is thus irrelevant.

**Likelihood of Confusion Issue:** Interrogatories No. 6 and 12 respectively request identification of any testimonial or evidentiary basis in support of the contentions that:

- products bearing the mark sought to be registered will cause confusion, mistake and deception by virtue of Opposer's prior use of the marks upon which the Opposition is based; and
- the commercial impression generated by the use of Applicant's Crest on products in the market in which those products pass is likely to be recognized as an identification of association with Opposer or its products.

Opposer has produced a representative sample of responsive documents and evidence in its possession that would support such contentions. Such responsive documents include, but are not limited to OSA001814-1826; OSA001828-1829; OSA001867-1873; OSA001968-1978; OSA001991-1994; OSA002011-2014; OSA002086-2115; OSA2120-2123; OSA002128-2133; OSA002140-OSA2143; OSA002148-2158; OSA002161-2166; OSA002231-2232; OSA002242; OSA002248-2249, as identified in Opposer's supplemental response to Interrogatory No. 12. Opposer stands on its objects regarding the untimeliness of

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<sup>2</sup> As per Applicant's deficiency letter the requests that are incorporated under this category are Applicant's Interrogatories No. 3, 4, 5, 10, and 11 and Requests for Production 11, 12, 13, 14, and 15. Opposer includes in this category Request for Admission No. 47 as it asks Opposer to admit that it "has no evidentiary basis to support any contention the marks upon which the Opposition is based were the subject of substantial, widespread, public recognition in the United States prior to 1925."

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Applicant's request for identification of witness who would testify regarding such issues.

In response to Request for Production No. 9, Opposer explicitly responded that "is not presently aware of any responsive documents within its possession, custody or control." Applicant is mistaken in its assertion that it was "informed the documents would be produced." Opposer never indicated that it possessed or would provide documents or evidence responsive to Request for Production No. 9.

Applicant's claim that Opposer has supplied too many documents is unfounded. Opposer has produced documents to Applicant which are relevant to this Opposition or which address Applicant's discovery demands, subject only to Opposer's asserted objections.

Nothing herein constitutes a waiver of any objections set forth by Opposer in its responses to Applicant's First Request for Admissions, First Request for the Production of Documents and Things, and First Set of Interrogatories.

If you have any questions, please do not hesitate to contact me.

Very truly yours,  
COLLEN /P

  
Ms. Oren Gelber

JMC/OG/KAM:eg

Enclosure: Opposer's Amended Responses to Applicant's First Request for Admissions  
p:\K\K6\K655\_Response to Applicant's Deficiency\_130606.docx



## EXHIBIT 20

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),  
Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: ALPHA PHI OMEGA and design  
Opp. No.: 91197504 (Parent)  
Serial No.: 77950436

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),  
Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: AΦΩ  
Opp. No.: 91197505 (Child)  
Serial No.: 77905236

**OPPOSER'S AMENDED RESPONSES AND OBJECTIONS TO APPLICANT'S  
FIRST REQUEST FOR ADMISSIONS**

Opposer Omega SA (Omega AG) (Omega Ltd.) (hereafter, "Opposer"), hereby serves its responses and objections to Applicant's Request for Admissions pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure.

**PREAMBLE:**

Opposer, with Applicant's consent, moved to consolidate Opposition Nos. 91197504 and 91197505 on February 19, 2013. On February 28, 2013, while the Motion to Consolidate Related Proceedings was pending with the Trademark Trial and Appeal Board, Applicant served Opposer with two sets of discovery requests, one under the caption for Opposition No. 91197504 and the other under the caption for Opposition No. 91197505. On March 18, 2013, the Trademark Trial and Appeal Board consolidated Opposition Nos. 91197504 and 91197505.

In light of the fact that the majority of Applicant's discovery requests in Opposition No. 91197504 are identical to Applicant's discovery requests in Opposition No. 91197505, and in accordance with email correspondence between Opposer's counsel and Applicant's counsel on March 27, 2013, Applicant has agreed to accept one set of responses to both sets of Applicant's discovery requests. Where the wording of the discovery requests vary slightly given the reference to one specific mark of the two marks being opposed, Opposer has reproduced both sets of requests but has provided only one response addressing both requests.

**GENERAL OBJECTIONS**

1. Opposer objects to each and every request in their entirety on the ground that Opposer is responding on the basis of its current knowledge and information. Opposer reserves the right to supplement each response to these interrogatories.
2. Opposer objects to each and every request insofar as and to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other

applicable privilege or immunity, and will not produce such information. Any inadvertent disclosure of such information shall not be a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.

3. Opposer objects to each and every request insofar as and to the extent it seeks divulgence of trade secrets, confidential or proprietary information of any third-party, such information will not be disclosed. To the extent each and every request seeks divulgence of such information of Opposer, such information will be disclosed subject to an appropriate protective order, signed by the parties and their counsel, and ordered by the Trademark Trial & Appeal Board.

4. Opposer objects to each and every request to the extent it seeks disclosure of information relating to or revealing proprietary development and marketing activities for products not yet manufactured or not yet on sale or otherwise employed. The slight relevance, if any, of such highly confidential trade secret information is vastly outweighed by the severe prejudice that would result to Opposer were it to be disclosed or available to competitors of Opposer. Opposer will not provide such information.

5. Opposer objects to each and every request to the extent it calls for information neither relevant to the subject matter of this Action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to Applicant's definitions in their entirety to the extent same seeks to impose obligations on Opposer beyond those permitted by the Federal Rules of Civil Procedure or the Local Rules applicable to this matter.

7. Opposer objects to each and every request to the extent it calls for information that exceeds a reasonable durational scope.

8. Opposer objects to each and every request to the extent it calls for information not yet available as these responses are made during the discovery process. Opposer reserves the right to supplement responses when the information becomes available.
9. Opposer objects to each and every request to the extent it is overly broad, vague and ambiguous, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.
10. Opposer objects to each and every request to the extent it is duplicative.
11. Opposer objects to each and every request to the extent that it is not limited in geographic scope to the United States.

#### **OPPOSER'S SPECIFIC OBJECTIONS AND RESPONSES**

**REQUEST NO. 12:** Admit that Opposer has no evidentiary basis to dispute that various Greek letter social, professional, or honorary fraternities or sororities with the word "Omega" in their name regularly market and/or approve others to market on their behalf affinity products, including jewelry and watches, bearing insignia containing the word "Omega" or the Greek Alphabet letter  $\Omega$  in the Greek Affinity Products Market.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the

discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational and geographic scope, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational and geographic scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 16:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Tau Omega Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1865.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 17:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Chi Omega Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1885.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.



**REQUEST NO. 18:** Admit that Opposer has no evidentiary basis to dispute that the Chi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1895.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 19:** Admit that Opposer has no evidentiary basis to dispute that the Omega Psi Phi Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1911.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 20:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Gamma Omega Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1927.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 21:** Admit that Opposer has no evidentiary basis to dispute that the Omega Chi Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1934.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 22:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Phi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1949.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 23:** Admit that Opposer has no evidentiary basis to dispute that the Kappa Omega Tau Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1960.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 24:** Admit that Opposer has no evidentiary basis to dispute that the Gamma Epsilon Omega Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1963.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 25:** Admit that Opposer has no evidentiary basis to dispute that the Beta Omega Phi Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1965.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.



**REQUEST NO. 26:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Phi Omega Society has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1980.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 27:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Omega Epsilon Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1983.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 28:** Admit that Opposer has no evidentiary basis to dispute that the Omega Delta Phi Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1987.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 29:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Nu Omega Fraternity and Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1988.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 30:** Admit that Opposer has no evidentiary basis to dispute that the Lambda Tau Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1988.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 31:** Admit that Opposer has no evidentiary basis to dispute that the Omega Chi Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1988.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 32:** Admit that Opposer has no evidentiary basis to dispute that the Gamma Omega Delta Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1989.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 33:** Admit that Opposer has no evidentiary basis to dispute that the Omega Phi Beta Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the Greek letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1989.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.



**REQUEST NO. 34:** Admit that Opposer has no evidentiary basis to dispute that the Gamma Phi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1991.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 35:** Admit that Opposer has no evidentiary basis to dispute that the Gamma Phi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1991.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer specifically objects that this Request is duplicative of Request No. 34. Opposer incorporates its general and specific objections and its response to Request No. 34 as if fully restated herein.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer specifically objects that this Request is duplicative of Request No. 34. Opposer incorporates its general and specific objections and its response and amended response to Request No. 34 as if fully restated herein.

**REQUEST NO. 36:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Omega Epsilon Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1988.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the

discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 37:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Pi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1994.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks

information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 38:** Admit that Opposer has no evidentiary basis to dispute that the Omega Phi Gamma Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1995.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 39:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Omega Nu Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1996.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 40:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Sigma Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 1997.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 41:** Admit that Opposer has no evidentiary basis to dispute that the Delta Phi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely Ω, in the United States on jewelry continuously since at least 1998.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer also objects that this Request is not limited to a reasonable durational scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting this Request to a reasonable durational scope, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.



**REQUEST NO. 42:** Admit that Opposer has no evidentiary basis to dispute that the Delta Pi Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 2004.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 43:** Admit that Opposer has no evidentiary basis to dispute that the Omega Chi Psi Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 2005.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 44:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Kappa Omega Sorority has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 2006.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 45:** Admit that Opposer has no evidentiary basis to dispute that the Sigma Omega Phi Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 2008.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this this Request to Admit and therefore denies same.

**REQUEST NO. 46:** Admit that Opposer has no evidentiary basis to dispute that the Alpha Omega Sigma Fraternity has utilized insignia containing the word Omega or the Greek Alphabet symbol for the letter Omega, namely  $\Omega$ , in the United States on jewelry continuously since at least 2010.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Therefore, Opposer denies.

**AMENDED ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Request as compound. Opposer further objects to this Request as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as overly broad and vague. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, Opposer asserts that it lacks knowledge sufficient to admit or deny the truth of this Request to Admit and therefore denies same.

Respectfully Submitted,

By: Oren Gelber

Jess M. Collen

Oren Gelber

COLLEN IP

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Ossining, NY 10562

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*Counsel for Opposer Omega SA (Omega AG)*

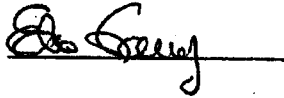
*(Omega Ltd.)*

Date: June 17, 2013

**CERTIFICATE OF SERVICE**

I, Edie Garvey, hereby certify that I caused a true and correct copy of Opposer's Amended Responses and Objections to Applicant's First Request For Admissions to be served upon the following, via first class mail, postage prepaid this 17th Day of June, 2013.

Stites & Harbison PLLC  
400 W Market Street, Suite 1800  
Louisville, KY 40202-3352  
Attention: Jack A. Wheat, Esq

A handwritten signature in cursive script, appearing to read "Edie Garvey", is written over a horizontal line.